

**Sobell Assembly
at Carnegie Hall**

AUTHOR-CRITIC WALDO
Frank and Sen. William Langer (R-N.D.) will speak on the Sobell case at the "Assembly For Justice" at New York's Carnegie Hall, Sept. 29.

The rally, called by the Natl. Committee to Secure Justice for Morton Sobell, will spark a campaign to win a new trial for the fellow victim of Julius and Ethel Rosenberg now serving a 30-year sentence in Alcatraz.

Attorney John F. Finerty will also speak. Member of the executive board of the ACLU and a veteran civil liberties champion who figured in the defense of Sacco and Vanzetti, Finerty also served as co-counsel with Emanuel Bloch in latter stages of the Rosenberg case.

W.H. B.V. 1 or 2 rooms furnished, private entrance, kitchenette, central heating. Rent \$100. Advance fee \$10. Call telephone: WA 8-4374

*National Guardian
Sept. 19, 1955*

Pg. 11

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SUBJECT Rosenberg/Sobell Committee

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C-211

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File No. 100-107111-C To Rosenberg/Socell CommitteeDate 1-26-78
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Serial	Date	Description (Type of communication, by whom)	No. of Pages		W	Exemptions used or, to whom referred (Identify statute if (b)(5) cited)
			Actual	Released		
C-115	7-26-55	NATIONAL GUARDIAN ARTICLE	1	1		
C-116	10-3-55	NATIONAL GUARDIAN ARTICLE	2	2		
C-117	10-3-55	NATIONAL GUARDIAN ARTICLE	1	1		
C-118	11-21-55	NATIONAL GUARDIAN ARTICLE	1	1		
C-119	11-21-55	NATIONAL GUARDIAN ARTICLE	3	3		
C-120	11-28-55	NATIONAL GUARDIAN ARTICLE	1	1		
C-121	12-19-55	NATIONAL GUARDIAN ARTICLE	1	1		
C-122	1-23-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-123	1-30-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-124	1-6-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-125	1-13-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-126	1-27-56	NATIONAL GUARDIAN ARTICLE	1	1		

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SOURCE

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Serial No.	Date	Description (Type of communication, by whom)	No. of Pages		W	Exception used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Estimated		
C-127	3-12-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-128	4-9-56	NATIONAL GUARDIAN ARTICLE	4	4		
C-129	4-25-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-130	5-7-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-131	5-14-56	NATIONAL GUARDIAN ARTICLE	5	5		
C-132	5-14-56	NATIONAL GUARDIAN ARTICLE	2	2		
C-133	5-14-56	NATIONAL GUARDIAN ARTICLE	4	4		
C-134	5-14-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-135	5-27-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-136	6-4-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-137	6-4-56	NATIONAL GUARDIAN ARTICLE	1	1		
C-138	6-4-56	NATIONAL GUARDIAN ARTICLE	1	1		

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100-107111-C.

Re: Rosenberg/Sabell Committee

Date 1-26-78
(month/year)

Serial No.	Date	Description Type of communication by whom	No. of Pages		#	Exemptions used or, to whom referred (Identify statute if (b)(7) cited)
			Actual	Estimated		
-139	6-18-58	NATIONAL GUARDIAN ARTICLE	2	2		
-140	6-18-58	NATIONAL GUARDIAN ARTICLE	5	5		
-141	6-18-58	NATIONAL GUARDIAN ARTICLE	3	3		
-142	6-18-58	NATIONAL GUARDIAN ARTICLE	1	1		
-143	6-18-58	NATIONAL GUARDIAN ARTICLE	1	1		
-144	6-18-58	NATIONAL GUARDIAN ARTICLE	1	1		
-145	6-18-58	NATIONAL GUARDIAN ARTICLE	2	2		
C-146	6-18-58	NATIONAL GUARDIAN ARTICLE	3	3		
C-147	6-18-58	NATIONAL GUARDIAN ARTICLE	5	5		
C-148	6-25-58	NATIONAL GUARDIAN ARTICLE	2	2		
C-149	6-25-58	NATIONAL GUARDIAN ARTICLE	1	1		
C-150	7-1-58	NATIONAL GUARDIAN ARTICLE	3	3		

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100-107114-2 Rasmussen/Sobel Committee
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Serial No.	Date	Type of communication by whom	Description		No. of pages Actual	W	Exemptions used or, to whom referred (Identify statute if (b)(6) cited)
			of document	Information			
C-151	7-2-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-152	7-25-56	NATIONAL GUARDIAN ARTICLE		3	3		
C-153	8-27-56	NATIONAL GUARDIAN ARTICLE		3	3		
C-154	9-6-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-155	9-10-56	NATIONAL GUARDIAN ARTICLE		2	2		
C-156	10-22-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-157	11-5-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-158	11-5-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-159	11-26-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-160	11-26-56	NATIONAL GUARDIAN ARTICLE		2	2		
C-161	11-26-56	NATIONAL GUARDIAN ARTICLE		1	1		
C-162	12-3-56	NATIONAL GUARDIAN ARTICLE		1	1		

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VOLUME 2REVIEWED BY JK/14File No. 100-102111-C Box Rosenberg/Sobell CommitteeDate 1-26-78
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Serial	Date	Description (Type of communication, by whom)	No. of Pages	%	Exemptions used or, to whom referred (Identify statute if (b)(5) cited)
			Actual	Estimated	
163	12-31-56	NATIONAL GUARDIAN ARTICLE	1	1	
164	12-31-56	NATIONAL GUARDIAN ARTICLE	3	3	
165	12-31-56	NATIONAL GUARDIAN ARTICLE	1	1	
166	12-31-56	NATIONAL GUARDIAN ARTICLE	1	1	
167	1-7-57	NATIONAL GUARDIAN ARTICLE	1	1	
168	1-7-57	NATIONAL GUARDIAN ARTICLE	3	3	
169	1-28-57	NATIONAL GUARDIAN ARTICLE	1	1	
170	2-4-57	NATIONAL GUARDIAN ARTICLE	1	1	
171	2-4-57	NATIONAL GUARDIAN ARTICLE	2	2	
172	2-4-57	NATIONAL GUARDIAN ARTICLE	2	2	
173	2-14-57	NATIONAL GUARDIAN ARTICLE	1	1	
174	2-11-57	NATIONAL GUARDIAN ARTICLE	1	1	

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File No. 109-107111-G Re Rosenberg/Sabell CommitteeDate 4-26-78
(month/year)

Serial	Date	Description Type of communication, by whom	No. of Pages	W	Exemptions used or, to whom referred (Identify statute if FOIA cited)
			Actual	Released	
-175	2-11-57	NATIONAL GUARDIAN ARTICLE	1	1	
-176	2-11-57	NATIONAL GUARDIAN ARTICLE	1	1	
-177	2-18-57	NATIONAL GUARDIAN ARTICLE	1	1	
-178	3-4-57	NATIONAL GUARDIAN ARTICLE	1	1	
-179	3-4-57	NATIONAL GUARDIAN ARTICLE	1	1	
-180	3-4-57	NATIONAL GUARDIAN ARTICLE	4	4	
-181	3-11-57	NATIONAL GUARDIAN ARTICLE	1	1	
C-182	3-25-57	NATIONAL GUARDIAN ARTICLE	1	1	
-183	3-25-57	NATIONAL GUARDIAN ARTICLE	4	4	
-184	4-8-57	NATIONAL GUARDIAN ARTICLE	1	1	
-185	4-8-57	NATIONAL GUARDIAN ARTICLE	1	1	
-186	4-8-57	NATIONAL GUARDIAN ARTICLE	1	1	

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(month/year)

Serial	Date	Description TYPE of communication, (Exhibit)	No. of Page(s)		* <input type="checkbox"/>	Exemptions used or, to whom referred (Identify statute if (b)(6) cited)
			Actual	Revised		
-187	4-15-57	NATIONAL GUARDIAN ARTICLE	1	1		
-188	4-22-57	NATIONAL GUARDIAN ARTICLE	1	1		
-189	5-6-57	NATIONAL GUARDIAN ARTICLE	2	2		
-190	5-13-57	NATIONAL GUARDIAN ARTICLE	1	1		
-191	5-13-57	NATIONAL GUARDIAN ARTICLE	1	1		
-192	5-20-57	NATIONAL GUARDIAN ARTICLE	1	1		
-193	5-20-57	NATIONAL GUARDIAN ARTICLE	1	1		
194	5-27-57	NATIONAL GUARDIAN ARTICLE	1	1		
-195	5-27-57	NATIONAL GUARDIAN ARTICLE	1	1		
-196	5-27-57	NATIONAL GUARDIAN ARTICLE	1	1		
-197	5-27-57	NATIONAL GUARDIAN ARTICLE	1	1		
-198	5-27-57	NATIONAL GUARDIAN ARTICLE	1	1		

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100-102745-6 Rosenberg/Sabell Committee

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Serial	Date	Description (Type of communication, to whom)	No. of Tele's Actual Received		* W	Exemptions used or, to whom referred (Identify statute if (b)(6) cited)
			Actual	Received		
99	6-3-57	NATIONAL GUARDIAN ARTICLE	1	1		
200	6-3-57	NATIONAL GUARDIAN ARTICLE	1	1		
201	6-3-57	NATIONAL GUARDIAN ARTICLE	1	1		
202	6-10-57	NATIONAL GUARDIAN ARTICLE	1	1		
203	6-10-57	NATIONAL GUARDIAN ARTICLE	1	1		
204	6-17-57	NATIONAL GUARDIAN ARTICLE	1	1		
205	6-17-57	NATIONAL GUARDIAN ARTICLE	1	1		
206	6-17-57	NATIONAL GUARDIAN ARTICLE	1	1		
207	6-17-57	NATIONAL GUARDIAN ARTICLE	1	1		
208	6-17-57	NATIONAL GUARDIAN ARTICLE	1	1		
209	6-17-57	NATIONAL GUARDIAN ARTICLE	3	3		
210	6-18-57	NATIONAL GUARDIAN ARTICLE	1	1		

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100-10711-a Rosenberg's self-conditress

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A. S. Department of Justice

(MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE)

**FEDERAL BUREAU
of INVESTIGATION**

FBI-Bureau File Number 100-2000-8783

NEW YORK

**Assembly for Justice
FOR
MORTON SOBELL**

CARNEGIE HALL

September 29th

At 8 P.M.

SPEAKERS:

U. S. SENATOR WILLIAM LANGER

WALDO FRANK

Novelist and Essayist

JOHN F. FINERTY

Attorney in Sacco-Vanzetti Case

WARREN K. BILLINGS

Co-defendant in Mooney Case

MRS. ROSE SOBELL

Mother of Morton

TICKETS \$1.25 at Box Office or at

**NATIONAL COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL**

1850 Sixth Ave (60th St.), New York 18, N. Y. LO 4-8535

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N.Y. *Nat'l. Guardian*

9/16/53 P. II

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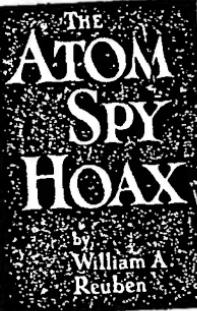
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UNANIMOUS ACCLAIM!

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—Canadian Tribune

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—Alvah Beals, *New World Review*

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JOHN WEXLEY'S BOOK

'Judgment of Julius and Ethel Rosenberg' moves reviewers to question the trial

GUARDIAN READERS will be interested in the general press comment on John Wexley's book *The Judgment of Julius and Ethel Rosenberg*. The N.Y. Post, in a review Aug. 21 by Nancy F. Wechsler, charged Wexley with being biased and not presenting the material fairly. However, the reviewer commented:

"To the extent that Wexley does succeed in casting doubt on certain aspects of the government's case and on the fairness of the trial, it is not because his politics or his method commend themselves to the reader's sympathy, but because in spite of them there are grounds for concern whether full justice was done."

The Post reviewer also commented:

"Whether Sobell should have been convicted on the meagre record against him, whether Greenglass' claimed reproduction of a cross-section of the atomic bomb was sufficiently credible to support the convictions or the sentences, whether the subject of Communist affiliation was introduced in a way calculated to prejudice the defendants, whether the tactics of the prosecution or the demeanor of the judge impaired the fairness of the proceedings, whether the defendants were convicted and sentenced on a record which might not have produced the same results in calmer times—all these are real issues which call for honest appraisal."

"AN AWFUL DOUBT": In the Indiana

polis News July 23, Herbert Kenny Jr. commented:

"One doesn't feel completely 'safe' with Wexley as a guide through the labyrinth of the Rosenberg case. And yet, he raises an awful doubt that perhaps justice wasn't done, that a political frameup was successfully pulled off."

Carey McWilliams, in a review titled "An American Tragedy" in the Aug. 27 Nation, wrote:

"Recognition that the handling of the Rosenberg-Sobell case, from its inception to the unseemly haste with which the final motions were disposed of, did not measure up to the standards of American justice will come slowly, painfully, one phase at a time, as the nightmare of fear and suspicion out of which it emerged is finally dispelled."

The Cleveland Call and Post, Negro newspaper, on July 3 said:

"Some day, when the Rosenberg case has taken its place in history with the Dreyfus case in France, and the Scottsboro and similar cases here, copies of Wexley's remarkable work will be very difficult to obtain."

In the August Library Journal, a review by George Adelman, assistant at the Boston Public Library, said:

"Wexley emphasizes the point of view of many here and abroad, anti-Communist as well as Communist, that the Rosenbergs were victims of a national state of hysteria."

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HELEN SOBELL, shown above with her son Mark, 6, has appealed to have her husband Morton transferred from grim Alcatraz, where he is forbidden to see his children, to a regular Federal prison. Sobell was a fellow victim of the Rosenberg prosecution and has defended his innocence throughout. He has served five years of a 30-year sentence, three of those years in Alcatraz. The Classification Board of Alcatraz meets Nov. 25 in San Francisco. Helen Sobell's plea can be supported by letters addressed promptly to Classification Board, Alcatraz Prison, San Francisco, Calif.

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NOV 21 1955

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CEDRIC BEFRAGE VISITS PARLIAMENT

Capital punishment and the Rosenberg Case

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Hail Caesar!
Nov 28, 1955

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Henderson

By Cedric Belfrage

LONDON

FOR SYDNEY SILVERMAN, an indomitable man with white hair and a conscience which has disturbed honorable members of the House of Commons for a quarter of a century, Nov. 15 was a big day. After the wigged and gowned Speaker had passed in stately procession to his seat, preceded by a major-domo type and the object known as the Mace and followed by a train-bearer, the Almighty was invited to bless the proceedings.

Then there was the usual Question Time covering such matters as the trees in royal parks, the appropriate spot for a statue of suffragette Mrs. Pankhurst, the number of British soldiers occupying graves in Kenya, and the relations between Church and State. And then the man with the



SYDNEY SILVERMAN
They listened and applauded

conscience had ten minutes to lay his burden on the conscience of the House—and even the ranks of Tory could scarce forbear to cheer as he placed his Death Penalty Abolition Bill on the clerk's desk.

WHO THE MAN IS: The honorable members cheered—or remained silent if they did not—because they knew that the British people's humanitarian feelings are deeply and broadly stirred just now about capital punishment; and also because many who abhor Silverman's left-Labour politics respect him for the long, courageous battle he has waged on it. Yet it was an eye-opening scene for one fresh from America, thinking of Silverman not as the skilled lawyer-parliamentarian representing the working-class constituency of Nelson and Colne, but as the MP who when others were silent agreed to speak in defense of the Rosenbergs in America and was denied a visa by the State Dept.

Here he was, standing before the Mother of Parliaments on the issue to which no newspaper just now dares deny front-page space, as spokesman for 12 MP's sponsoring the bill including two Tories, two Liberals, and former Labour Home Secy. Chuter Ede. One of the Tories, who later dashed out from a Northern Ireland MP's committee meeting for a two-minute hell with me in the lobby, was Belfast's H. Montgomery Hyde. He was the man who last summer asked in the House what Her Majesty intended to do about my imprisonment in New York.

JUDGES AND BISHOPS: All who were present in the packed House felt that a strange angel known as Mercy hovered over this place, where so many blood-spotted decisions are made on the destinies of millions around the world. The angel had hovered there before: investigating commissions had been appointed and first readings of bills to suspend capital punishment had been passed; but always some "dark, secret, noisome influence in the Home Office," as Silverman told the

House had prevented anything from being done. (To me afterwards, over a cup of tea, he named as chief foes of all penal reform for 150 years "the judges and the bishops—everything has been passed in the teeth of their opposition.")

Will something be done this time? That the gentlemen sprawling on the front government benches don't want to stop legal killing, and will use every device to retain it, is very clear—for they have rejected even the reforms in the capital punishment law which a commission recommended two years ago. That they are seriously worried about the force of public opinion was even clearer from their failure to put up anyone to pooh-pooh Silverman's plea, as they were entitled and expected to do.

They will rely on stalling to do the job, but Silverman will be worrying at them like a terrier with a rat as long as his passport to Westminster remains valid.

AMAZING SUCCESS: Meanwhile the snowballing demand for abolition is one of those phenomena which, from time to time on some unexpected front, provide a key to the often baffling operation of British public opinion. The impression is that the British people, thwarted on many more pressing issues such as German rearmament, are wrapping up all their spirit of protest in this one which they have faith that they can win.

Everyone has been amazed by the

success of the Campaign for the Abolition of Capital Punishment which, launched by publisher Victor Gollancz three months ago, has already received over 10,000 inquiries from sympathizers. Its first call, this month, drew an audience of 7,000 and a collection of \$3,000 at a meeting in Westminster's Central Hall and an overflow at Church House. The country is being flooded with Gollancz's pamphlet *The Heart of the Matter*, pointing out that "you cannot preserve civilization by an act that essentially negates it," and with Campaign leaflets outlining the history of capital punishment and listing 15 countries in "Western" Europe and Asia which have abolished it. (Even West Germany did away with it six years ago; in Holland there has been no execution for 95 years.)

SOBELL RALLY: A few hours after Silverman presented his bill, over 200 Londoners gathered in a small Bloomsbury hall—a good audience, as I estimate the difficulties involved, and representing many progressives and trade union organizations. Their purpose: to honor the memory of our era's most famous victims of legal murder—Ethel and Julius Rosenberg—by launching a drive to free Morton Sobell.

To your editor-in-exile it was a moving occasion, to be speaking for the first time before a group of those die-hards for justice who fought for the Rosenbergs in far-off countries. The Sobell campaign got off the ground with a fat collection including \$50 for

six copies of John Wexley's book on the Rosenberg case, and a panel of leading British progressives outlined aspects of the Sobell case. Queen's Counsel D. N. Pritt, who got out of a sickbed to come, wittily and witheringly described details of the legal frame-up. Prof. J. D. Bernal tied up the recent world conference of atomic scientists in Geneva with the Rosenberg-Sobell case to show how it had been exposed as a hoax from the scientific viewpoint.

JUST A LITTLE MORE: Monica Whately, Catholic journalist and lecturer, drew the inevitable gasps of incredulity in telling of the continuing witch-hunt as she saw it on a recent visit to the U.S. Chairman Stanley Evans, vicar of Dalston, hammered away on the point that the "campaign" for the Rosenbergs had almost won out—"just a little more would have done it." Chiding progressives here and elsewhere for not getting steam up for Sobell sooner, he said that if they had, Washington might have been compelled to review the case right after the Geneva conference.

In the context of Silverman's renewed crusade to abolish capital punishment here, the meeting re-evoked even more than it would otherwise have done the extraordinary emotion that people felt about the whole Rosenberg-Sobell horror. The standing endorsement of a cable to Eisenhower, asking Sobell's immediate removal from Alcatraz and a new trial, indicated that something the U.S. Embassy will be hearing about for a long time has been started.

For a young American \$5,000 miles away in a prison cell, and for his wife and children, it may be Nov. 15 was a big day too.

REPORT TO READERS

A darling dinner

AS IT MUST TO ALL MORTALS, the time may come for us when we will take our birthdays in stride. But right now, in our young estate, we count our anniversaries gladly; love the birthday parties you grownups give for us and cherish the gifts we receive; and hope our behavior may continue to warrant such thoughtfulness and affection.

And precisely because we have this youthful zest for celebrations, we are not above stretching our anniversary time over a considerable period—for as long, in fact, as it takes for all our parties to take place—say, until mid-January, at least. There are plenty of them scheduled, too. If you haven't been bid to one in your part of town, better drop us a line and find out what's cooking.

OUR NEW YORK PARTY was a truly delightful affair at the Hotel New Yorker Nov. 17. As in other years, Dr. Du Bois presided—and we are sure W. E. B.'s pertly pertinent remarks about the economics of truth-telling had a great deal to do with the unusually high-level generosity which prevailed. (Remind us to tell you what he said in detail, when there's more space.)

Reading from your left, the dias was a heart-warming array of the unbowed: Carl Braden, fighting a sedition conviction in Kentucky for helping a Louisville Negro family purchase a house on the other side of the tracks; Dorothy Parker, whose matchless wit has never failed a good cause; philosopher Barrows Dunham, who has just won a court fight for the right to tell a Congressional committee to mind its business; author Harvey O'Connor and humanist Corliss Lamont, both in the process of winning the same kind of fights; editor Eugene Moy of the China Daily News, facing jail for love of his native land; Elliot Sullivan, a winner of that memorable bout this summer between the New York show folk and the Walter Committee; Choom Cha Kwak, who with her husband, Chungsoon, faces deportation to Syngman Rhee's hands for opposing his treason to Korea.

And (after time for a breath) Mrs. Helen Sobell, leader of the struggle for her husband's freedom and vindication for the Rosenbergs' name; Pablo Garcia, Harvard-trained Puerto Rican patriot and spokesman for his country's Smith Act victims; attorney Blanch Freedman, of counsel in the Belfast Case and a forefront fighter for the rights of foreign-born; and two valiant friends of the GUARDIAN from Brooklyn, Clifford T. McAvoy and Lionel Stander.

Now let's see—did we skip anybody? Ah, yes: Cedric Belfrage! Hale, hearty and personable (if not in person actually) in a huge color photograph projected above the dias as his voice came in tape-recorded and brimming over with wit and good sense.

Quite an evening, truly, and believe it or not, everybody off for home by eleven!

OUR LOS ANGELES party is Friday, Dec. 3 (note this change in date from Dec. 3)—dinner-dance-show and get-together. The way you get to come is to wake up \$15 per each in subscriptions, contributions or what have you. Then call Thia Willner (WEBster 1-9478), and she'll issue your pass to the third annual rendezvous of the GUARDIAN faithful of L. A. and environs.

There'll be time later to tell you more of New Year's dining in San Francisco and the Bay Area around the GUARDIAN's seventh birthday, but for folks elsewhere, we again want to say what a nice idea we think this is—a New Year's Party for the GUARDIAN. Good for us, and good for you, too. At least the celebs breathing down your neck will be your friends. Keep in touch.

THE GUARDIAN

CLIPPING FROM THE

New Guardian
Nov. 28, 1955
DATED
FORWARDED BY N. Y. DIVISION

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DEC 5 1955	
N. Y. NEW YORK	

Henderson

Morton Sobell has given
5 years. Will you give a
few hours?

VOLUNTEERS
Urgently Needed

Phone or visit:
Committee to Secure Justice
for Morton Sobell
Room D, 940 Broadway
At 22nd St. AL 4-3923

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National Guardian
DATE 12/19/53 - F. 11
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Shanahan

Hit-run Philbrick

PROVIDENCE, R. I.

On Dec. 18, 1955, there appeared in the Providence Journal and Bulletin a violent attack upon me filled with innuendoes and outright lies written by Herbert A. Philbrick. Although I have written two letters in reply, they called the Journal and Bulletin a number of times they have refused to carry my reply to Philbrick, or the fact that I have wired Philbrick inviting him to Providence to debate

the questions that he brings up. I have, of course, received no reply from Philbrick.

This is the way the "free" press of America operates. How much we appreciate a paper like the GUARDIAN, and how much we need it!

Anyone interested in receiving my reply to Philbrick, which the Providence Journal and Bulletin would not print, please drop me a postcard or letter in care of Mr. Pak, Providence 8, R. I. I would also appreciate it if readers of the GUARDIAN would write to the Providence Journal, 75 Fountain St., Providence, R. I., protesting their censorship. Rev. Phillip B. Oliver

CLIPPING FROM THE
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100-10741-C 122

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2/2

NEW YORK

2nd Annual Gala Concert

Sponsored by the

Bronx Sobell Committee

Sat., Mar 10, 8:30 p.m.

HUNTS POINT PALACE
Southern Blvd. & 183d St.

- Prominent Surprise Artists
- Jewish Young Folk Singers
- Odele Davis & others

Subscription: \$1.25

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N. Y. *National Guardian*

DATED JAN 30 1956

FORWARDED BY N. Y. DIVISION

P. 10

*Bronx Sobell Committee, 2nd
Marion Avenue*

*Jan 30 1956
Concert info*

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CLIPPING FROM THE

N. Y. National Guardian

DATED FEB 6, 1956

FORWARDED BY N. Y. DIVISION

P11

DANCING till —, the best in
body, an evening of fun. SAT.
6 P.M. to 10 P.M. at Lucifer's,
47 W. 41st St., 601 W. 118th St., Ochni.
\$1.25. Morton Sobell Defense Fund.

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Shender

7-2

2nd Annual Gala Concert

Sponsored by the

Bronx Sobell Committee

Sat., Mar 10, 8:30 p.m.

HUNTS POINT PALACE
Southern Blvd. & 183d St.

- Featuring:
• Prominent Surprise Artist
• Jewish Young Folkingers
• Ossie Davis & others

Subscription: \$1.25

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DATED FEB 18 1956
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7-
Lester

2nd Annual Gala Concert

Sponsored by the

Bronx Sobell Committee

Sat., Mar. 10, 8:30 p.m.

HUNTS POINT PALACE
Southern Blvd. & 143rd St.

Subscription: \$1.25

- Prominent Surprise Artist
- Jewish Young Folk Singers
- Oxie Davis
- Edith Segel Dance Group

CLIPPING FROM THE

N.Y. National Guard

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Shender

New red scare due in Miami

ELIS S. RUBIN, Miami boy-wonder witch-hunter, whose red-catching proposals proved too stringent for even the Florida American Legion, has announced his candidacy for the Republican nomination for Dade County state attorney. Rubin at 29 was a special assistant attorney general during the inquisition of Miami progressives by State Attorney George A. Braudgum in 1954. Convictions of about 30 Dade County people for contempt were reversed by the Florida Supreme Court.

Rubin timed his announcement with an attack in the Miami press on a campaign in Dade County for support of efforts to obtain a new trial and removal from Alcatraz for Morton Sobell, scientist convicted with the Rosenbergs for conspiracy to commit espionage. A meeting at a private home for Mrs. Helen Sobell was visited by a corps of reporters and photographers who subjected Mrs. Sobell to a grilling and attempted to take pictures of guests.

Later a mailing asked local lawyers and others for funds for Sobell's appeal. Rubin termed the Sobell campaign and a tour of Florida cities by Carl Braden of the Louisville, Ky., Wade case, "collecting money for un-American causes."

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"FROM MOTIVES OF HUMANITY AND JUSTICE"

Bertrand Russell on

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Morton Sobell and the FBI

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Shender

Following is the full text of a letter written by Lord Bertrand Russell, noted British philosopher, to the Manchester Guardian on the case of Morton Sobell

I AM WRITING to enlist your support in the case of Morton Sobell, an innocent man condemned as a result of political hysteria to 30 years in gaol and at present incarcerated in Alcatraz, the worst prison in the United States. He was sentenced as an accomplice of the Rosenbergs in espionage. I am ashamed to say that at the time of the Rosenberg trial I did not look into the evidence. I have now done so. I am almost certain that the Rosenbergs were innocent and quite certain that the evidence against them would not have been considered adequate if prejudice had not been involved. But the Rosenbergs are dead and nothing can be done for them now except to hold up their official murderers to obloquy. Sobell, however, is alive and it is not too late for the United States Government to make some reparation to him.

The facts in his case are briefly as follows: He had a friend named Kitcher, who had been his best man. Kitcher had stated on oath that he had never been a Communist. The FBI discovered that in making this statement he had committed perjury. They let him know that he could escape punishment if he would denounce other people as accomplices in treasonable activities. He decided to save his own skin by denouncing his best friend, Sobell. While negotiations in this sense were going on between him and the FBI Sobell and his wife and their two small children went to Mexico. Sobell toyed with the idea of not returning to the United States,

but rejected it. His decision to return became known to the FBI, which had determined to present him as a fugitive from justice. In order to be still able to present him in this light, they hired thugs, who beat him into unconsciousness, hustled him and his wife and their two children into fast cars, and drove them without stopping from Mexico City to the United States frontier. There they were handed over to an immigration officer, who falsely stamped their card of entry with the words "Deported from Mexico" although the Mexican Government had not been privy to the kidnapping and had expressed no intention of deporting them.

When Sobell was brought to trial these facts were not mentioned as his counsel considered that any criticism of the FBI, however justified, would only increase the severity of his sentence, his condemnation being regarded by his counsel as certain in spite of lack of evidence. The judge instructed the jury that they could not find Sobell guilty unless they believed Ellischer. Ellischer, because he was useful in this trial, has never been indicted for his acknowledged perjury and in spite of his being known to be a perjurer, every word that he said against Sobell was believed.

People express scepticism when it is said that most Germans did not know of Nazi atrocities, but I am sure that the immense majority of Americans are quite ignorant of the atrocities committed by the FBI. They do not know of the standard technique of these defenders of what, with cynical effrontery, they still call "The Free World." The tech-

nique is one with which we have been made familiar in other police States such as Nazi Germany and Stalin's Russia. The police find a man whom they can prove to be guilty of some offense and they promise him immunity if he will manufacture evidence against people who could not otherwise be indicted. Perjury is especially useful as a lever because many people who have been Communists in their student days rashly hope that this can be concealed and swear that they never were Communists. After a sufficient number of secret interviews the FBI descends upon innocent people with a pose of terrified perjurers and in the general hysteria every word uttered by the perjurers is accepted as gospel truth.

I do not suppose for a moment that President Eisenhower is aware of this well-established technique. If he knew of it, he would not only feel the revulsion which all decent people must feel, but would realise that every such case which becomes known outside the United States turns hundreds or thousands of people, if not into Communists, at least towards neutralism and away from the policy of NATO. For this large reason of public policy, as well as from motives of humanity and justice, it is to be hoped that something will be done to curb the FBI. A beginning might be made by the release of Morton Sobell or, at least, by ordering a new trial of his case.

BERTRAND RUSSELL
41 Queens Road, Richmond
Surrey, England

CLIPPING FROM THE

National Guardian

DATED 4/13/56 p. 11

FORWARDED BY N. Y. DIVISION

More Pt. Meeting for MORTON SOBELL
Prisoner on America's Conscience."
Help win a new trial. Thurs., April 13
p.m., Concordia Club (15 AV. & 60 ST.)
T'lyn. Subscription: 40c.

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[Handwritten signatures and initials over the stamp]

**Vindication
on the Way!**

New Documents
in the case of

**MORTON
SOBELL**

See the new evidence!
Hear

- Judge Patrick O'Brien
former Att. General of Michigan
- Stephen Lacy
Professor of Law
- John Wexley
Author

Special Message from
Lord Bertrand Russell

**Tues., May 15,
8 p.m.**

Carnegie Hall

Adm. \$1.50 (tax inc.)

Tickets available at the
Committee to Secure Justice
for Morton Sobell, 940
Broadway, AL 4-9983.

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N.Y. National Guard

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Phil A. Shulman R.P.

New Sobell brief charges frame-up, asks new trial

By Elmer Bendiner

FROM MARCH 6 to March 29, 1951, Morton Sobell stood trial along with Julius and Ethel Rosenberg for conspiring to transmit defense data to the Soviet Union. The case against Morton Sobell rested on only two factors: the testimony of an admitted perjurer, Max Elitcher, who had an axe to grind in co-operating with the government; and seeming evidence that Sobell had "fled" with his family to Mexico to avoid arrest.

Last week Sobell's attorneys produced evidence to blow the "flight" story sky-high and to support a charge of a gigantic frame-up conspiracy knowingly perpetrated by the FBI. Roy Cohn (one of the prosecutors before he became Sen. McCarthy's counsel), Irving Saypol (another prosecuting attorney and now a Judge), the U.S. Embassy in Mexico, the U.S. Immigration and Naturalization Service and the Mexican secret police.

The story of kidnaping, assault and fraudulent documentation is crucial because the factor of Sobell's alleged flight was by far the most telling blow against him. Judge Irving R. Kaufman in his charge said the jurors could conclude that flight was "legitimate ground for an inference of a guilty mind."

NEW EVIDENCE: On April 5, 1951, the Rosenbergs were sentenced to death and Morton Sobell to 30 years' imprisonment. He was held in Atlanta Penitentiary until Nov. 26, 1952, and since then has been in the grim, maximum-security prison of Alcatraz. The fresh evidence, never before revealed, is contained in a brief filed last week in Federal District Court in New York by attorneys Donner, Kinoy and Perlin of New York and Benjamin Dreyfus of San Francisco. The brief asks free-

dom for Morton Sobell at once, or a new trial.

It charges Sobell was convicted on "false and perjurious testimony and evidence . . . false representations . . . and suppressed evidence."

The prosecution contended that Sobell and his family had gone to Mexico without a visa, under false names and were deported from Mexico by Mexican authorities. The government produced an alleged record from the Immigration and Naturalization Service with Sobell's signature and stamped across it the words: "Deported from Mexico." The government also brought an immigration inspector stationed at Laredo, Texas, to confirm the document. Both Saypol and Cohn repeat-

(Continued on Page 8)

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Sleider 492



This is my son — help me to free him

Mrs. Rose Sobell, mother of Morton Sobell, holds a drawing of her son Morton, serving a 30-year term on Alcatraz. This photo first appeared in the illustrated weekly "L'Espresso" in Rome. For news of the Sobell case, see right and Cedric Belfrage story on page 8.

New Sobell brief

(Continued from Page 1)
educed the deportation exhibit and the contention that Sobell had traveled without a tourist card, to show the pattern of conspiracy and flight.

THE DOCUMENTS: Filed with the new Sobell brief are records of the Mexican Dept. of Immigration showing that Morton Sobell and family arrived in Mexico by air under their own names, bearing tourist card No. 70538.

Also produced is the American Airlines manifest showing Sobell's name and list-

An appeal

AN APPEAL to President Eisenhower to grant Morton Sobell executive pardon or commutation or to ask the Attorney General to consent to a new trial was made last week in a letter signed by 62 prominent Americans.

Included were: commentator Elmer Davis, authors Lewis Mumford and Waldo Frank, Nobel Prize scientists Dr. Harold Urey and Dr. Linus Pauling; clergymen Dr. Roland Bainton of the Yale Divinity School, Rev. John Paul Jones of Brooklyn, Dr. Paul L. Lehmann of Princeton Theological Seminary.

Also signing were: Dorothy Day, editor of the Catholic Worker; Minor Alexander of the American Friends Service Committee; Rev. Reginald H. Bass of the Community Church, Brooklyn; Rev. William Baird, Essex Community Church, Chicago; Rabbi Julian Feibelman, Temple Sinai, New Orleans; Prof. Malcolm Sharp, University of Chicago Law School; Judge Patrick O'Brien, Detroit; Prof. Gardner Murphy, Menninger Foundation, Topeka, Kan.

ing his family. Sobell had also registered his camera equipment with U.S. customs officials at Dallas to avoid paying duties on a return trip he plainly expected to make. Regulations require that passengers flying from Dallas to Mexico City show their tourist cards before boarding the plane, so the Sobells must have been traveling with identification.

Sobell, who, the prosecution said, had used a dozen aliases to cover his tracks in Mexico, also carried his birth certificate, his Social Security card, membership card in a scientific organization, and driver's license. To top it off, this alleged fugitive registered himself and his family in his own name at the places they stayed.

THE "DEPORTATION": Still, there was the U.S. Immigration Dept.'s record with the damning stamp: "Deported from Mexico." But records of the Mexican Dept. of Immigration show that Sobell was not deported. Although Mexican law is strict on the procedure to be followed, the notations to be made in any deportation case, there are no records of Sobell's deportation in Mexico City and none in Nuevo Laredo, the border town where Sobell was taken, allegedly by Mexican immigration officials.

According to the brief, when the chief of immigration at Nuevo Laredo was informed of Sobell's seizure, he complained to his chief in Mexico City that secret service agents had evaded the Dept. of Immigration in forcibly rushing Sobell to the U.S. on Aug. 16, 1950.

The Mexican authorities instituted an investigation and in September, 1950, told the Nuevo Laredo official that steps had been taken to prevent such violations of Mexican law in the future.

KIDNAPED: Far from being an orderly deportation of a fugitive, this became the story, told in the brief, of how Morton Sobell was brought back from Mexico.

The Sobells left for a pleasure trip to Mexico on June 22, 1950. They had all the customary tourist documents, all made out in their own names.

On Aug. 16 the family went on a picnic. In the evening they returned to their apartment in Mexico City, were finishing supper when three Mexicans entered. They wore civilian clothes and identified themselves as officers of the Secret Police of the Federal District. They referred to Sobell as "Johnny Jones," insisted he was wanted for robbing a bank in Acapulco.

The Sobells offered identification documents which were confiscated. Sobell re-

sisted on calling the U.S. Embassy. He was refused. More police arrived. Sobell was knocked unconscious, taken to a car and driven to Secret Police headquarters. When he demanded to know the charges he was beaten again.

Later in the night his wife and their two children were brought to police headquarters. At 4 a.m. on Aug. 17, 1950, Sobell was taken in one car, his family in another, both guarded. Periodically the cars would stop and a guard would report by telephone. At about 3 a.m. Aug. 18 they arrived in Nuevo Laredo and stopped several blocks from the bridge leading over the border to the U.S. They waited while the guard telephoned. Then, before they reached the American side of the bridge, an FBI agent entered the car and ordered the driver to go at once to the U.S. immigration office in Laredo, Tex.

THE LIE: There Sobell was ordered to sign certain papers and was placed in custody of an FBI agent. The Mexican Secret Police turned over to the FBI the documents they had confiscated from Sobell.

Before the well-planned assault on the Sobell apartment, agents had questioned neighbors, telling them they were acting for the U.S. government, that the Sobells were wanted for a variety of crimes including kidnaping. The Sobells' housekeeper was questioned repeatedly, her belongings searched and some of them confiscated. She was informed the U.S. Embassy was holding some of the seized property. The Embassy also figured as the scene of questioning in connection with the abduction.

The prosecutors Roy Cohn and Irving Saypol, the brief says, both must have known the full story of the kidnaping. One month after Sobell's illegal seizure in Mexico both went to Mexico City and interviewed persons connected with the event. During the trial Saypol indicated he knew the full details when he declared that Mrs. Sobell had been present from the time of the arrest to the moment Sobell was turned over to the FBI. Yet both prosecutors repeatedly stressed the

point that Sobell had been deported from Mexico, caught in flight under suspicious circumstances. They offered as evidence the card stamped "Deported From Mexico," knowing it to be apurious, the brief charges.

MODERN DREYFUS CASE: It is charged they suppressed the evidence in possession of the government: for example, the tourist card which would have proved that the Sobells traveled legally and openly.

The Sobell attorneys contend that none of this could be proved at the trial because it took painstaking investigation. Sobell was confronted by what seemed incontrovertible evidence with no way to counter it since the government had confiscated his proofs.

Government attorneys said they would file a prompt answer to the brief. They must now defend themselves against a documented charge of planned assault, fraud and frame-up. More than that the whole case against the Rosenbergs threatens to crumble if the Sobell defense charges hold.

Even before the brief was filed Sidney Silverman, member of the British Parliament, joined in the mounting discussion on the case in the Manchester Guardian. He wrote:

"One day, I am confident, the United States will be as ashamed of these trials [Rosenberg-Sobell] as they already are of the Sacco and Vanzetti affair and as France is of the Dreyfus case."

MOTHER PLEADS FOR HER SON

Britain hears about Sobell

By Cedric Belfrage

LONDON

THE FUROR over the plight of "200 Social Democrats imprisoned for their beliefs behind the Iron Curtain" brought up by Labour Party leaders at the famous dinner for Bulganin and Khrushchev has caused many in Britain to wonder when political leaders will protest against Washington's imprisonment of Americans for their beliefs. In the British press the blackout on this American persecution continues: a week after the opening of the latest Smith Act trial in New York, not a line about it had appeared here.

On one sector there has been a breakthrough: the case of Morton Sobell, serving a 30-year term in Alcatraz as a "spy." A lively correspondence in the Manchester Guardian about the case and its implications, following a letter from philosopher Bertrand Russell (GUARDIAN, 4/8), has drawn attention sharply to "free world" hypocrisy about freedom and justice in socialist countries. The break-through is the result of a gallant, 8,000-mile pilgrimage by a 61-year-old woman from the Bronx, Mrs. Rose Sobell, who has just returned to the U.S.

SHE TOLD HER STORY: Reaching Britain in February, Morton Sobell's mother—then a complete stranger to the outside world—had formidable obstacles to surmount from the outset. On the ship the British immigration officer told her she could not land but, after action by Londoners to whom she radioed for help, she received a three-week permit. In that short time Mrs. Sobell met and told her son's story to:

- Six Labour MP's headed by Sydney Silverman, defender of the Rosenbergs and sponsor of the anti-capital punishment bill.

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N.Y. *National Guardian*

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Scandlon [Signature]



MORTON SOBELL
They listened to the story

ment bill who received her in the House of Commons.

* The Executive of the Fire Brigades Union and an important group of trade unionists and Labour Councillors, who passed the information along to their organizations for action.

* Prominent churchmen including Canon Collins of St. Paul's, the Bishop of Chichester and a group of Jesuits at Oxford. (The chief Rabbi, whom she tried to reach to arouse the concern of Jewish groups, would not speak to her.) * Women's Assembly groups, and a group convened in Holy Trinity rectory, Dalston (east London), who promptly formed a local Sobell committee.

* A businessman's group, who sub-

scribed funds from which a national Sobell committee office has been set up in London.

* A Manchester group of former campaigners for the Rosenbergs, whose old committee was immediately revived to take up Sobell's cause.

THE RUSSELL RUCKUS: The effect of Mrs. Sobell's honest and courageous personality on Britons concerned about "free world" justice was indicated by Bertrand Russell's action following her visit to him. He told her he was not prepared to do anything until he read all the material she brought. The John Wexley book (published here this month but so far unreviewed) and Prof. Harold Urey's statement convinced him.

His *Guardian* letter elicited some indignant counter-blasts from pro-Washingtonians, including outright lies such as "the FBI has no power to arrest." Russell blasted back, suggesting that defenders of Washington justice should first discover the facts before sounding off. He received many letters asking further information which he has forwarded—with a donation for further spreading of the facts—to the new committee.

In Paris, where Mrs. Sobell spent two weeks after a visit to Rome, a public meeting in defense of Sobell was held April 23; in London a meeting is set for June 19, Rosenberg commemoration day. Mrs. Sobell, who did not know anyone in the three European capitals when she arrived, left with many warm friends of her son's cause to which she devoted every moment of her pilgrimage. As the first American directly connected with a cold-war persecution case to slip through the Cadillac Curtain on such a mission in several years, she has done an outstanding job.

THAT SENATE HEARING

Wexley notes new holes in Gold-Greenglass tales

WHENEVER the government witnesses against Julius and Ethel Rosenberg or against Morton Sobell have been allowed to talk they have dug fresh holes in their previous testimony and whittled away at the underpinnings of the entire case.

John Wexley explored many of those holes in his book *The Judgment of Julius and Ethel Rosenberg* (Cameron & Kahn, 1955). After the Senate Internal Security Subcommittee recently brought the key government witnesses, Harry Gold and David Greenglass, out of the silence of Lewisburg Penitentiary for a three-hour hearing, the *GUARDIAN* talked with author Wexley to see what new gaps Gold and Greenglass had opened up in their sworn testimony.

It was still too early to match all aspects of the twisted Gold-Greenglass story with earlier tellings of it, but on first reading of the hearing transcript Wexley noted that Gold had this time undermined one of the few items of documentary, corroborative evidence offered by the government.

THAT HOTEL ROOM: In the Rosenberg trial Gold told how he had gone to Santa Fe to pick up data for the spy ring from Klaus Fuchs, then to Albuquerque, to gather more from David Greenglass. He testified (Court record pp. 798-848) that he arrived at Albuquerque in the evening

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Sobell rally May 15

MRS. ROSE SOBELL, mother of Morton Sobell, returned from Europe last week and will speak at the rally for her son's freedom scheduled for Tuesday evening, May 15, at New York's Carnegie Hall. Mrs. Sobell toured England, France and Italy to win support for her son. Mari Bertrand Russell in England and Pablo Picasso in France were among those who answered her appeal.

The rally, which will present new evidence to establish Sobell's innocence, will also hear Judge Patrick H. O'Brien, former Michigan attorney general, law professor Stephen Love and John Wexley, author of *The Judgment of Julius and Ethel Rosenberg*.

of June 2, 1945, went to the Greenglass' home, learned they were out, found "a room in the hallway of a rooming house" in downtown Albuquerque and spent the night there.

The next morning, according to his court testimony, he registered at the Hotel Hilton under his own name. He had to see the Greenglasses early that morning, catch a train shortly after noon that day in order to make the rendezvous he testified he did make in New York with his alleged Russian master-spy, Yakovlev.

Wexley asked: Why did Gold bother to register in a hotel where he could not have planned to stay? Why did this "spy" who boasts of his ingenuity, register in his own name? (A photostat of the hotel registration was produced as evidence. The defense did not insist on seeing the original.) His registering could have served no purpose except as documentation in a story otherwise almost bare of it.

STORY OF A MAP: When he appeared before the subcommittee last month, Gold was asked to tell his story again "in detail." He said he welcomed the opportunity, complaining that in court he felt inhibited: "You can't elaborate. You must be precise."

He told the Santa Fe-Albuquerque episode again. He went over his stay in the rooming house, his visits to Greenglass, confirmed that he traveled by train all the way from Albuquerque, but this time completely omitted any mention of the Hilton Hotel and the registration which had been the only item to substantiate his story.

The meeting with Fuchs also developed variations since Gold testified in court

in Santa Fe. (He found his way about town from the map so as to avoid asking strangers and so risk leaving traces behind him.)

Before the subcommittee Gold used the FBI edition of his story but gave his rendezvous point as the Alameda St. Bridge instead of the one on Castillo St. Weasley pointed out that a man who knew a town very well might mistake one bridge for



HARRY GOLD

As he appeared at the Eastland Committee hearing.

He then said that in New York, along with his spy-ring introductions, he had been given a map of Santa Fe, a city completely unfamiliar to him, and that on the map was marked the rendezvous point where he was to meet Fuchs: the Castillo St. bridge.

THE HOOVER VERSION: In another version of the story by J. Edgar Hoover, published in the Readers Digest as "from the secret files of the FBI," Gold is said to have obtained the map at a museum

another. But for Gold, the careful spy, who says he knew nothing of Santa Fe beyond his crucial rendezvous there, such a slip is very curious.

Greenglass, whose testimony helped send his sister Ethel Rosenberg to the electric chair, edited his original testimony to deepen the picture of Julius Rosenberg as a conspirator.

GREENGLASS' STORY: In court Greenglass had said that Julius Rosenberg came to him in February, 1950, after Fuchs

was arrested, and warned Greenglass to consider leaving the country. Before the Senate committee Greenglass said Rosenthal came to him in October, 1949, four months before Fuchs was arrested, told Greenglass that he knew—in some secret fashion—that Scotland Yard was talking to Fuchs and then advised Greenglass to skip.

The close prison association of Gold and Greenglass had worked a certain change in the young auto mechanic who had testified in court in almost inarticulate phrases. Greenglass seemed to have taken on the high-blown mannerisms of Gold. Committee members incredulously asked him to repeat when he called himself a "tyro" in the spy business, testified, of matters "within my ken" and spoke of Rosenberg as "my mentor." He also acquired Gold's illusions of grandeur. Greenglass, who flunked the only science courses he ever took at high school, solemnly testified that Julius Rosenberg once reprimanded him because he had not joined the Federation of Atomic Scientists.

REWARD OR GESTURE? Gold and Greenglass have both been returned to Lewisburg where they cannot in public trip over their words. Their performance, which had apparently been meant to allay mounting doubts about the government's case, seemed to have failed in that objective. But columnist Leonard Lyons in the N.Y. Post (5/7) reported that Judge McGranery, who sentenced Gold to 30 years imprisonment, will ask that his sentence be commuted to time already served. That could be a reward or it could be a gesture. Many of those who followed the case from the beginning think it unlikely that the government would risk leaving its prize witnesses free to talk.

Last week the N.Y. Herald Tribune (5/4) in its series based on Robert J. Donovan's book *Eisenhower—the Inside Story*, told again of the world-wide protest that flooded the President's mail clamoring for clemency. Recalling the eve of the execution, Donovan wrote:

"It had been a terrible 48 hours for him, the President told the Cabinet on the morning of June 19. He never remembered a time in his life when he felt more in need of help from some one much more powerful than he."

BUT THEY DIED: The President had said he would reopen the case if any of his cabinet felt he should. None did. The President said repeatedly he had "made a careful examination" of the case. The Rosenbergs went to their death. Now the case's flaws have become more obvious to any examination. The protest has found other voices, such as Earl Bertrand Russell's in England. The Rosenberg sentence is past revision, but Morton Sobell is still alive and in Alcatraz.

Last week lawyers were preparing to move for a new trial for Sobell with fresh evidence of his innocence.

*Vindication
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in the case of
**MORTON
SOBELL**

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GOVERNMENT REPLIES

Judge Kaufman insists on hearing Sobell argument

JUDGE IRVING R. KAUFMAN, who sentenced Julius and Ethel Rosenberg to death and Morton Sobell to 30 years' imprisonment, last week insisted that he be the one to hear arguments for a new trial for Sobell.

Sobell's attorneys—Donner, Kinoy and Berlin of New York and Benjamin Dreyfus of San Francisco—have filed a brief containing new evidence to show that Sobell had been convicted on perjured evidence. The retrial motion came before Judge Sylvester J. Ryan. Such motions are usually referred to the original trial judge, but when the Sobell attorneys asked Judge Ryan to hear the arguments, he agreed unless Judge Kaufman indicated a preference to hear it himself.

GOVERNMENT REPLIES: At a confer-

ence with attorneys for both Sobell and the government, Judge Kaufman said he saw no ground to disqualify himself, although the Sobell attorneys recalled the damning comments he had made at the time of sentencing. Judge Kaufman said he felt obliged to consider the new motion.

and tentatively set May 28, for the hearing.

The government filed its answer to the Sobell brief for a new trial. Next week's GUARDIAN will carry an analysis of that answer.

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H
P. Shuler

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Was Justice Done?

The Rosenberg-Sobell Case

by

MALCOLM P. SHARP

Professor of Law, University of Chicago

With an Introduction by

HAROLD C. UREY

Professor of Chemistry, University of Chicago

Bertrand Russell writes from England: "I find the book exceedingly interesting and overwhelmingly convincing."

WAS JUSTICE DONE? will be published on June 19, the third anniversary of the execution of the Rosenbergs. It will sell at \$3.50 per copy. Until publication day, we are offering the book at the special pre-publication price of \$2.50, a saving of \$1.00.

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P. Shuman

THE UN-PRODUCED EVIDENCE

U. S. reply to Sobell brief admits some defense charges

THE GOVERNMENT last week admitted that some of the evidence used against Morton Sobell was false and that other evidence, possibly favorable to Sobell, was in government hands but not produced at his trial.

Sobell was tried with Julius and Ethel Rosenberg for conspiring to transmit defense data to the Soviet Union. Federal District Judge Irving R. Kaufman, who sentenced the Rosenbergs to death and Sobell to 30 years' imprisonment, was to hear arguments for a retrial for Sobell on May 31, almost three years after the Rosenbergs had been executed.

Sobell's attorneys, in asking for a new trial, presented fresh evidence to show that the government had deceived the jury by declaring that Sobell was deported from Mexico where he had allegedly fled to escape arrest. They offered evidence showing that the Mexican Immigration authorities had not acted against Sobell; that he had traveled with a tourist card and vaccination certificate made out in his own name; that the government prosecutors, Roy Cohn and Irving Saypol, had these documents in their possession when they told the jury Sobell had no visa and was following a sinister "pattern of flight."

A DICTIONARY DEFINITION: In an answering brief, U.S. Attorney Paul Williams admitted that the words "Deported from Mexico," written by a U.S. immigration inspector across a document concerning Sobell's forcible return to the U.S., should have read: "Elected."

Sobell's own brief cited Mexican records to show that Sobell had been "kidnapped" by the Mexican Security police with the active collaboration of the FBI, the U.S. Embassy in Mexico City and the U.S. Immigration Dept. In answering the charge, the government made no effort to refute the Sobell evidence, admitted that the Mexican Immigration authorities had no hand in Sobell's arrest but said that he was "deported" in the sense of the word as defined by Funk and Wagnalls New Standard Dictionary:

"To carry off or away, transport, especially to take or send away forcibly, as to a penal colony; banish, as, the prisoners

were deported by boat . . ."

That definition might fit such a kidnapping described in the Sobell brief, but differs drastically with the common understanding of the word. Sobell attorneys have charged that Sobell was not given the chance to return voluntarily to the U.S. and in that way the prosecutor could describe him as in flight and Judge Kaufman could then remind the jurors that flight was "legitimate ground for an inference of a guilty mind."

THE ELITCHER TESTIMONY: The government's answer to the charge of "suppressing" the tourist card and vaccination certificate, made out legally in Sobell's name, is that the Sobell defense had not asked that such documents be produced at the trial.

Three-quarters of the prosecution's brief consists of summarizing the testimony of Max Elitcher, the only significant witness against Sobell, and an admitted perjurer, and describing Sobell's inquiries about leaving Mexico.

Whatever the merits of the government's case on those grounds, they seemed to have little to do with the retrial motion. Technically that motion does not cover the whole ground of the guilt or innocence of the accused which is a matter for the trial itself, but only whether the proceedings were tainted by false or suppressed evidence. On that point the government seemed to be conceding, though belittling its importance.

TREATY VIOLATION CHARGED: A second brief was filed for Sobell last week, this time charging that the court had no jurisdiction over the case at all, since Sobell had been seized in violation of a treaty with Mexico, without the knowledge or consent of the Mexican government.

The proceedings which, if necessary, can be appealed all the way to the Supreme Court, were taken by attorneys Donner, Kinney and Perlin of New York, and Benjamin Dreyfus of San Francisco.

Last week it was announced that Thomas McBride, chancellor of the Philadelphia bar and a leading criminal lawyer, had joined the case. He was expected to participate in the May 31 hearing.

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WEEK OF JUNE 16-24

Rosenberg memorial service set; Sobell meetings also planned

MEMORIAL SERVICES at the graves of Julius and Ethel Rosenberg and public action to help win justice for Morton Sobell will mark the third year since the Rosenbergs were executed on June 19, 1953.

The Committee to Secure Justice for Morton Sobell has designated June 16-24 as a period of "intensified efforts to bring the truth in the Rosenberg-Sobell case to the public."

The grave-side services for the Rosen-

bergs will be held Sunday, June 17, 1 p.m., at Wellwood Cemetery, Pinelawn, L. I. Transportation will be supplied for those who wish to attend. Information may be obtained from the Sobell Committee, 840 Broadway, N. Y. C. (AL 4-9983).

From June 16-24, the Sobell Committee said, house gatherings will be held and leaflets giving the facts on Sobell's appeal for a new trial will be distributed in New York. The Committee urged its supporters to visit Congressmen, ministers

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and community leaders to ask help in securing Sobell's freedom.

NEW BOOK DUE: Rosenberg-Sobell case meetings were being planned for June in many cities throughout the country. Sobell committees were scheduling newspaper ads, mailings and other projects to bring the facts on the Sobell case to the attention of more people.

The third anniversary of the executions will also be marked in France, Italy and other countries. Labor MP Sydney Silverman will be a speaker at a public meeting in London.

John Werley's book, *The Judgment of Julius and Ethel Rosenberg*, published a year ago, has convinced many readers of the miscarriage of justice in the Rosenberg-Sobell case, the Committee says. Monthly Review Press on June 19 will publish a new book on the case. It is a

study of the Rosenberg-Sobell trial by Prof. Malcolm Sharp of the Univ. of Chicago Law School and Chairman of the Nati. Lawyers Guild. It is entitled *Was Justice Done?*

FROM CEDRIC BELFRAGE'S NEW BOOK

My Sister, My Brother

The excerpts which follow are from Chapter 19 of Cedric Belfrage's forthcoming new book, *The Case of the Frightened Giant*. The book will be published in London and here in November. During his stay in West St. Jail prior to his deportation last August 15, Belfrage occupied the cell which had been Julius Rosenberg's while he was awaiting transfer to the Sing Sing deathhouse in 1951. Here Belfrage tells of this, and of his impressions of the couple in whose behalf the GUARDIAN initiated the worldwide campaign for clemency and justice.

JUNE 19, especially as I passed through the receiving room and looked at the two men in my old cell—his old cell, where he thought constantly of her—was a day of much reflection on the intertwining of human destiny.

It was the day on which Ethel and Julius were put to death, just two years before. I never knew them, and I loved them, but not enough. I do not know how much I have of consolation in the fact that the GUARDIAN took up the fight for justice and mercy for them, when all America retreated in abject terror from its conscience as from a red-hot stove. But I think it was above all because we moved for Ethel and Julius after they were convicted of "atom-spying" that the priesthood of the anti-communist mystery moved against me, imprisoning me the first time up to only a few days before they were killed. What consolation there is, I take from that . . .

Ethel and Julius—and their defender Manny Bloch—were of the human fibre that makes the word "Jew" a beautiful one, as the name "mountain of roses" is

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beautiful. As we learned gradually, for when Manny came as a stranger to ask our poor little sheet to raise the cry for justice since no one else would even listen to him, Ethel and Julius were already in the death-house; none of us had ever set eyes upon them, and none of us ever would. We came to know them through Manny, who always dropped by to tell about his weekly Sing Sing visits; and through their prison letters, which Manny first brought to my desk as they wrote them on the now-familiar prison stationery, and which later became a book cherished by good folk in many lands...

THOUGHT of what the Catholic schoolteacher Jacques Madaule wrote in France—long after the GUARDIAN had asked: "Is this the Dreyfus Case of cold-



CAPTAIN DREYFUS
Zola wrote "J'accuse!"

war America?" and after the French people, recognizing that it was, had risen in vain protest:

"One can say without fear of error that if Ethel and Julius had not been Jews they would not have been convicted—and perhaps not even tried."

I thought of July 4 in the year 1951, of Julius in his cell, after eating the special Independence Day portion of ice cream, re-reading the Declaration of Independence in the Times which always devotes a page to a facsimile of it on that day....

He takes his pen from the locker and scribbles a note to Ethel in her cell a hundred yards away: "It's interesting to read these words in this setting...."

Then, beneath the signatures of the 55 congressional delegates of 1776, he writes: "Julius Rosenbergs." He tears out the page and fastens it up on the cell wall....

When I thought of them as lovers, I thought of Ethel's letter sent from her cell to his: "I arise each morning with the thought of you warm and unspeakably sweet within me and each night give myself into your keeping once more; and all day my heart sings its refrain, 'I am loved, I am loved....'"

When I thought of them as parents, I saw the haunted faces of the "apples of the eye" of Ethel and Julius, Michael and Robbie, arriving at the Christmas party given them by the GUARDIAN staff in 1951. Michael at seven, already old, far beyond his years; Robbie, at four, a little boy lost, frightened to go near other children, only looking about him for his mother, running to bury himself for fleeting consolation in the lap of Jo or any woman who looked kind and acted tenderly. And I lived again through the ghastly pilgrimages which I made with the boys in Manny Bloch's car to Sing Sing, stopping to buy them hot dogs along the highway, waiting outside the jail while they spent their hour with the doomed ones and Ethel sang them songs that recalled bedtimes when they were a family. I saw the boys emerging, each holding one of Manny's hands, to be surrounded by photographers and reporters coaxing or threatening them for a "story" until Robbie would cry and Michael would stick out his tongue. I saw them again in their first foster-home in New Jersey, wept for them again as the radio, on that bloody night in June of 1953, interrupted its jazz and pepsi-cola advertising to tell us and them that "three jolts" had killed their father and a "puff of smoke" came from the leather mask over their mother's face before she died. The picture changed to the children scampering in wild happiness from room to room at Blanch's and Gloria's law office in February of 1954, where dozens of us celebrated the defeat of the government's efforts to seize the orphans so that the memory of their parents might be unpunished or, if possible, made hallowed.

And pictures of what I did not see but had to imagine: Ethel and Julius with the children in the prison, "playing with

them," as Manny describes it, "as though it were their own living room"; Julius holding Robbie on his knee telling a story about the boat they saw through the barred window, coming up the Hudson in a cloud of seagulls; Ethel giving them the only present she had, a collection of insects caught in the exercise yard; both of them dry-eyed, holding back their sobs until they were alone again in their cells. To Manny after one of these visits Ethel wrote: "Make no mistake about it: this mother's heart is being methodically and mercilessly broken and the pain is simply not to be imagined... I am one vast vessel of pain—it feels as though every last inch of me beats with hurt..."

OF JULIUS as a human being—for I thought especially of him, sharing a tiny fragment of his experience there where began his journey to the cross—I recalled especially from the letters his excited description of the orange tree. One of the men in the death-house had planted an orange pip in a crack in the concrete of the exercise yard. Waiting for death, Julius and all the others found delight in watering and tending it as it grew inch by inch, finally producing faintly scented flowers and even small oranges. When I mentioned this in a conversation with Mr. Smith, a decent and popular West St. hack [guard] approaching retirement age who had many recollections of Julius, he commented dryly: "That sounds just like him."

Mr. Smith felt more deeply about Julius than it would have been prudent for him to express. He recalled that Julius was always good-natured, considerate and painstaking in whatever he did in West St., and marvellously cheerful considering the nature of his sentence because he was always convinced that justice would prevail. As his letters show, he did not abandon his faith in American justice until nearly the end—and his faith in the people, never. One of the jobs he did in West St. was paneling the walls of the visiting room where I talked with Joe through the glass every Saturday.

When I thought of Ethel and Julius as "communists"—the label that had to be pinned to them, although nothing as to their affiliation was ever established at the trial—one reflection was automatic: that if indeed they were members of it, then the American Communist Party was thereby ennobled. If they were, they took their place with many communist men and women to whom humanity was in debt, who in my time had shown the greatest love, that they laid down their lives for their friends. But all that was important to me was that they were my sister and my brother in my own progressive family which was broader than

parties.

It was as "communists" that they were sentenced by the court and by the press, to strike fear into all who were disposed to protest the abuses and usurpations of despots masquerading as democrats; and in the hope that under this ultimate terror they would weaken, recant and betray. And this it was that stood out plain for us all on the GUARDIAN, in that summer of '51 when even we, not yet fully comprehending how far the new despots would go in the cold war on their own people, had been half convinced by press and government smoke that there must be some fire in the case. When we read the trial record which had been so wildly distorted, we knew that at best guilt had not been proven, at worst—and most probably—the whole case was a trumped-up hoax.

SO THE LONG FIGHT began: a good fight against odds that were overpowering, in which a multitude all over America joined, but only the poor and obscure, for the terror frightened into silence virtually all of America's respectable, its high and mighty, its saints, its intellectuals. From thousands of nobodies, after we had set the record reasonably straight, flowed dollar bills in response to an appeal for a Rosenberg defense committee; so that at a time when our struggling enterprise was threatened with extinction for lack of money to pay printing bills, in a corner of the office a table was piled a foot high with money to save Ethel and Julius. Denounced everywhere as a communist plot, the campaign for justice developed steadily yet with sickening slowness as Many saw appeal after appeal fail in the courts and the executioner's hand bearing the switch . . .



HELEN AND MORTON SOBELL
The fight goes on

Then the last frightful days of hope raised a little and smashed, of the Supreme Court refusing to the end to review the case, of anti-semites yelling obscenities at the pickets keeping vigil around the White House; of demonstrations all over the world, of pleas for mercy even from the Pope of Rome which were bottled up by the witch-hunters already dining on Ethel's and Julius's blood. And the evening itself, on which my GUARDIAN colleagues and I sat around the radio in the office, trying to project our thoughts across the void to the room up the Hudson with the chair in it . . .

THE SPIRITS of Ethel and Julius filled West St. for me, and her verses spoke with the same marvellous freshness as when she sent them long ago to the GUARDIAN from the death-house.

Their song was interrupted, but their Gethsemane and crucifixion had put into millions of hearts a new certainty that it would be sung to the triumphant end.

Ethel and Julius had put a new fear into the hearts of the despots, a healthy fear of the incorruptibility that may reside in ordinary men and women. The silence on the wires connecting the Justice Department with the Sing Sing death house had spoken eloquently. It said that the plan to turn America into a nation of stoopdoves had failed.



ETHEL AND JULIUS ROSENBERG
They had faith in the people until the end.

A GUARDIAN EXCLUSIVE FROM ENGLAND

An interview with

Bertrand Russell

By Cedric Belfrage

LONDON

FROM HIS QUIET GARDEN villa in the London suburb of Richmond, Bertrand Russell looks back on a life which has never been dull, and still, in his 84th year, does not threaten to become so. Among the rugged-faced, snowy-haired philosopher's souvenirs are going to jail for his peace activities in World War I, scandalizing the respectable with his free-wheeling co-educational school between wars, and succeeding to an earldom in 1931. He has traveled everywhere in search of truth. Interested himself in everything, said just what he thought to everyone, publicly confessed his error whenever he found anything he said or didn't say to have been wrong. The world has come to recognize him as one who has generally been right.

Last March he started another tumult by expressing in the Manchester Guardian shame at not having looked into the Rosenberg case "at the time"; "almost certainty" that the Rosenbergs were innocent; and a plea—with pungent references to the background of FBI "atrocities"—for a new trial of the Rosenbergs' alleged fellow-conspirator Morton Sobell who is in Alcatraz for 30 years. The indignant ensuing correspondence defending the Dept. of Justice and the FBI, topped off by a final and even deadlier volley from Russell, has now died down.

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17th CENTURY LIBERAL: Last week I called on him to convey something of what his action has meant to progressive Americans. On the table beside the hospitable tea-tray in his study—which had an electric fire burning and the window wide open to the early summer scents from the garden—were copies of Max Lowenthal's book on the FBI ("I'm just reading it"), William A. Reuben's Atom Spy Hoax ("I'm just going to read it") and John Wexley's Judgment of Julius and Ethel Rosenberg which convinced him and inspired his letter. It was in this room last winter that he received Mrs. Rose Sobell, who persuaded him to read the facts and judge from them whether justice had been done to her son.

"I am going into all this," Russell said, lighting his pipe, "because I am an old-fashioned liberal—you might say in the 17th century sense, in that I have always had a great fear of the police and feel they are the same danger now that kings were then. Lowenthal's book is very instructive. I have been reading about the rounding-up in New York streets in 1918 of men who were supposed to be draft-evaders—almost none of them were, but there seems to have been hardly a beat of protest.

DREADFUL LAFSES: "I recall the time when I was at the University of California at Los Angeles in 1939 and they quite suddenly found that one of the lecturers, a man of experience and standing who had defended migratory workers' right to organize, was incompetent. The others didn't protest, and I have never seen anything to equal the terror in the common room when Sproul, the head of the university, marched in to lecture the staff. The university was completely controlled by the banker Giannini—everyone did what this Italian fascist told them to. Then in 1940 when I was barred from an appointment at New York City College—on the ground that I was 'sphrodisiac' among other dreadful lapses, though obviously they didn't know what that meant—not one New Dealer except Mrs. Roosevelt supported me. I can't agree with you that in America there has ever been the same degree of personal liberty that

we have here. It doesn't exist for the average man. At all times I have been rather astonished by their lack of protest against injustice.

"Now the way the FBI is behaving is quite extraordinary. Apparently they can find people to testify to absolutely anything. Yet when I meet Americans, if I say anything at all against the FBI it's as if I'd talked against the Holy Ghost. How can you? This is holy! I am astounded by the letters I have been getting from Americans, abusing me and exalting the police, most of all the one from the Committee for Cultural Freedom of which I am a member. Is it for cultural freedom



BERTRAND RUSSELL

A lack of protest astonishes him

or isn't it? What has happened to my old friend Sidney Hook? On the other hand I've had many letters from Americans who say: 'I'm delighted you say these things, I wish I dared.'

A CHILLED ALLIANCE: I asked Russell what he thought about the unilateral release of political prisoners and cutting of armed forces by the Russians and their allied countries. He said it was "very embarrassing to the Americans who don't want to do either." I asked: "Do you think the time may be at hand when the world will see America as the country with the only remaining iron curtain?"

"Indeed it's very likely," he said. "You know, all of Western Europe is very much chilled, in the whole conception of alliance with America, by the fact that there has seemed to be less and less difference between America and Russia. We must stand in with America but we don't like it. I am very anxious for good relations, but all these injustices make it harder."

"How can relations with America be improved?"

"Well, we can't do it until there is greater liberalism in the American administration—that's the only thing that will do it. And so there has to be more frankness about what is going on there. Of course every government commits misdeeds and feels it must conceal them. We certainly should not be self-righteous in view of our own failures in Cyprus and so on. Governments often manage to keep their misdeeds fairly dark at home but abroad they can't. So if we can't keep them dark the only thing is to mend their ways."

BASES OUT OF DATE: "The same is true for us British who commit our sins a long way off, although we're not so bad at home. Of course we shall end by being turned out of Cyprus—what we're doing there is absolutely futile. The whole idea that it's important to have bases is out of date. They are only of use if there's to be a big war, but even then, if we want a big war to destroy practically everybody, we can do it all from Greenland which is not far from Moscow. But people agree there isn't going to be a big war; the chances are at least four to one against it, although the risk is still there."

What did he think about the events in the U.S.S.R. since Stalin's death?

"I am convinced the Communists really do want to liberalize their regime. Would I be mistaken in attributing this to the fact that they have really got good hydrogen bombs and so are no longer frightened? But it is quite genuine. They have let out thousands of political prisoners although for years they have been saying there weren't any. What has particularly impressed me is Hungary tearing down the barbed wire along the frontier—because it is an actual physical act. Also I am glad that the gendarmes are now able to behave as they like, not just as Stalin told them."

"I have always said that Stalin was the successor of Ivan the Terrible. I think his influence was completely bad. I was in Russia only once, in 1920, and wrote a little book about it. I thought it was horrible—an absolute nightmare—and have had the same view since, although it is getting better now: not what I should like at all, but better. But in any case we've got to co-operate with them whether we like it or not."

AN APOLOGY TO MAKE: I asked him if his views of Western policy toward Russia hadn't changed in recent years. This was his answer:

"The worst thing I ever said—and I am sorry I did—was soon after the last war at the time America produced the Baruch plan for atomic control. I said we must urge the Russians to come in and that if they wouldn't, we should threaten them; and I thought they would yield. I wanted to see atomic power internationalized and thought the Baruch plan a good one."

"I think I said that, and I'm sorry. The moment Russia had atomic power the situation was changed. I thought it was quite possible to persuade Russia to come into the Baruch plan. It wasn't that I wanted a war, or to reform the Russian regime—they have the right to whatever regime they like—but to preserve the peace of the world."

"Within the next five to ten years," said the philosopher with the unclouded mind and the habit of courage, "it is possible that hostility will grow enormously less. It is less already. It rests largely with America." I left him with his books on the American political pollio and the fruits of their work, promising to lend him my copy of that great contemporary classic, Harvey Matson's *False Witness*.

A letter from Helen Sobell

Dear Editors and Staff:

For many of us the month of June is a time of remembering. We remember not only the horror of the deaths of Julius and Ethel Rosenberg, but we remember the truth and the beauty of their innocence and their courage. We remember the warm humanity of the millions who protested their death, and the sharp clean anger of those who fought for their lives. The GUARDIAN was the first to break through the circle of fire that was drawn around the Rosenbergs and my husband, Morton Sobell. In this time of remembering I want to tell you of the GUARDIAN of my gratitude, my admiration, and my thankfulness to you. Undaunted by your own problems of survival, and in today's world they are many, you have not hesitated to help by bringing

each new disclosure of fact and of support to you readers.

We go into the hardest part of our fight now. We have moved into the offensive with a legal motion so strong and so true that it has already won major concessions from the prosecutor, and neither Roy Cohn nor Irving Saypol have stepped forth to contradict it. The question of International Law that has been raised is of concern to every country of the world. It is the hardest part of the fight because it is the beginning of victory. In the recording of our victory and the return of Morton to his home and family, not only as a "free" but as a honored man, the GUARDIAN will know he is a champion and our friend.

Faithfully yours,
HELEN SOBELL

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WAS JUSTICE DONE?
Public Meeting

In memoriam . . . 3rd anniversary death
of the Rosenbergs—and to help free Morton Sobell.

With VICTOR RABINOWITZ,

Civil Liberties attorney and counsel in
the Steve Nelson case, discuss Prof. Malcolm F. Sharp's important new book,
"WAS JUSTICE DONE?"

Moderator: DAVID ALMAN,

national secretary of Comm. to Secure
Justice for Morton Sobell, present vital
new facts in the case.

Location: COFFEE ROOM EASTLOW
TUESDAY, JUNE 25—8 p.m. Adelphi
Hill, 76 5th Ave. (14 St.) Ausp: Ameri-
can Socialist Forum, N.Y. Donation \$1.

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National Guards

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REPORT TO READERS

Trenton — and after

FIVE YEARS AGO this week, the GUARDIAN was able to announce in joyful headlines: "Victory! 4 of the Trenton 6 free." Three years earlier these six young Negro men had been in death cells, convicted of a murder they could not have committed. The trial reeked of frameup and false confessions extracted from drugged and tortured men. Unimpeachable witnesses placing each of them far from the scene of the crime were ignored.

That was in the summer of 1948—the trial was going on during the founding convention of the Progressive Party in nearby Philadelphia. Some of us attending that convention learned of the case there, but at that time we had not yet managed to get the GUARDIAN into publication.

When we did—in October, 1948—the Trenton Case became our first great campaign. "Is there a Northern Scottsboro Case in Trenton, N.J.?" our Oct. 25 headline asked. Our subsequent stories turning up the sordid facts of the frameup reached far shores, even though the GUARDIAN was only weeks old at the time and reaching only a handful of readers. Protests came from London, Paris, and finally forced attention to the case here. The Civil Rights Congress, although heavily burdened with the first Foley Square Smith Act cases, pitched in on behalf of the Six. Paul Robeson went to Trenton and sang at a mass meeting to rally support for their appeal. At the GUARDIAN's request, attorney O. John Rogge entered the case.

In June, 1949, the N.J. Supreme Court reversed the convictions and ordered a new trial. That trial ended in June, 1951, as the headline above reported, in freedom for four of the men and a jury recommendation of "mercy" for two in what was later disclosed as a jury-room deal. One of the two, Collis English, died in prison; the other, Ralph Cooper, was eventually freed.

BUT EVEN AS the Trenton Six were vindicated, a new and deeply disturbing case brought requests from GUARDIAN readers, proposing the same sort of inquiry we had undertaken in the Trenton Case. Attorney Emanuel H. Bloch came to our office with the trial record of the convictions of Ethel and Julius Rosenberg and Morton Sobell; asked us to read the material and decide whether this case merited a GUARDIAN campaign.

The rest is well-known history—a tragic, ennobling, universal effort to save the lives of the man and woman executed three years ago this week—on June 19, 1953—while a world bowed its head in grief and shame. Yet out of this immense struggle there has continued a world determination to vindicate the Rosenbergs and to free Morton Sobell from a 30-year sentence in Alcatraz.

THIS ISSUE of the GUARDIAN contains much material of great value to those carrying on the effort to secure justice for Sobell and expose the frameup methods which brought about the Rosenberg-Sobell indictments and convictions.

We are most fortunate to be able to excerpt a chapter from Cedric Bellrage's forthcoming book, *The Case of the Frightened Giant*, giving his recollections of those unforgettable months. Also for this issue Bellrage has interviewed Lord Bertrand Russell, Britain's foremost mathematician, who has recently taken the lead in England for justice for Morton Sobell. Our "Spectator" this week is Albert Maltz, writing on "the book" (John Wexley's *The Judgment of Julius & Ethel Rosenberg*) which has done so much to focus world opinion anew on the Rosenberg-Sobell tragedy.

We most earnestly hope you will put this week's GUARDIAN to use among your friends to win new and needed support for bringing Sobell's case to the Supreme Court if necessary, on the basis of new and indisputable evidence of falsification and perjury against him.

—THE GUARDIAN

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SPECTATOR

The book

Speaker at a Special Committee Hearings in behalf of scientist Morton Sobell interviewed by Alcates, for alleged complicity with the Rosenbergs in an atom-bomb plot, referred simply to "the book" when discussing John Weasley's "The Judgment on Julius and Ethel Rosenberg and its Effect on American public opinion with respect to the Rosenberg-Sobell Case." Following is the quote of a noted American author on "The Book":

ERINAND RUSSELL recently expressed his conviction (see p. 7) that Morton Sobell is innocent. There are several aspects to this public statement that are significant: (1) it comes from a world figure who until now has been silent on the issue; (2) Russell is only the most recent of a series of prominent individuals who have begun to speak out on Sobell—men like Elmer Davis, who also has been silent until now. There is, in fact, a trend of new support for Sobell that is less than a year old. What is the cause of it?

The answer is the appearance in the past year of a book, John Weasley's *The Judgment of Ethel and Julius Rosenberg*. I believe that no honest, intelligent person—however convinced initially that the Rosenbergs and Sobell were guilty—could read through the Weasley book without concluding either that (1) they were innocent or (2) their trial was so unfair, and the testimony against them so suspicious, that the Rosenbergs never should have been executed, and that Sobell is entitled to a new trial.

NOT OPEN TO CHALLENGE: I am not familiar with all of the literature written about past trials—one. I do know that some cases left certain areas confused, with elements of conflicting testimony that could not be resolved. Thus, Zola's *Massacre* was sufficiently open to challenge to permit the army to bring Zola to trial. This is not true of the Weasley book. It is a factual exposure of well documented from the court record, so devastating in its proof, that no one would dare put Weasley for trial—for libel—not even Skopil, Roy Cohn, or Judge Kaufman, whom Weasley accuses openly of perpetration of false testimony, of cruel prejudice in violation of their oaths, and of calculated frame-up.

HAVE YOU READ IT? While I am sure that most readers of NATIONAL GUARDIAN believe that the Rosenbergs were innocent and that Sobell is unjustly living out his sixth year of a miserable imprisonment, I wonder how many have read the Weasley book? Far too few I expect. For one thing, not a few people may have the feeling that they already know Sobell is innocent, and so why read about it—or, why stir old heartaches with grim reading?

My purpose is to try and make every GUARDIAN reader understand why the Weasley book should be bought and read. The basic reason for my effort is simple—Sobell is in prison and the Weasley book can free him!

Reading the Weasley book is a profoundly exciting experience in the discovery of truth. Whatever one has known already about this case, there is 10 and 50 times more to be learned from the intense study put into it by the author, and from the extraordinary qualities of his intellect that play upon the material like a hot searchlight.

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These are the reasons why an Elmer Davis, a Bertrand Russell, a reviewer for the *Cathay Worker*, a writer of mystery novels, a scholar in a political science quarterly, have now spoken up for Sobell's innocence.

A MORAL OBLIGATION/ At \$1.10 or \$1.25 thousand new copies of the Werley book were put to work; public opinion on behalf of Sobell would begin to swell. Whatever you know an honest, thinking man or woman—and they are all around us—this book will convince. But it has to be put into their hands.

Prison life is a sad distortion of living for anyone; for an innocent man it is unpeakably cruel. For over 1,000 days and nights Sobell has suffered this. He is doomed to suffer thousands upon thousands more unless world public opinion, supporting the magnificent efforts of his attorneys, frees him. We who are free have a moral obligation to act in a small way at least for Sobell and for justice. —Albert Maltz

THE JUDGMENT OF JULIUS & ETHEL ROSENBERG may be purchased from Cameron Associates, 166 W. 23rd St., New York 11, N. Y. or through your bookstore.

DAN FRANCISCO—BAY AREA

A GUARDIAN EXCLUSIVE FROM ENGLAND

An interview with

Bertrand Russell

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By Cedric Belfrage

LONDON

FROM HIS QUIET GARDEN villa in the London suburb of Richmond, Bertrand Russell looks back on a life which has never been dull, and still, in his 84th year, does not threaten to become so. Among the ruddy-faced, snowy-haired philosopher's souvenirs are going to jail for his peace activities in World War I, scandalizing the respectable with his free-wheeling co-educational school between wars, and succeeding to an earldom in 1931. He has traveled everywhere in search of truth, interested himself in everything, said just what he thought to everyone, publicly confessed his error whenever he found anything he said or didn't say to have been wrong. The world has come to recognize him as one who has generally been right.

Last March he started another tumult by expressing in the Manchester Guardian shame at not having looked into the Rosenberg case "at the time"; "almost certainty" that the Rosenbergs were innocent; and a plea—with pungent references to the background of FBI "atrocities"—for a new trial of the Rosenbergs' alleged fellow-conspirator Morton Sobell who is in Alcatraz for 30 years. The indignant ensuing correspondence defending the Dept. of Justice and the FBI, topped off by a final and even deadlier volley from Russell, has now died down.

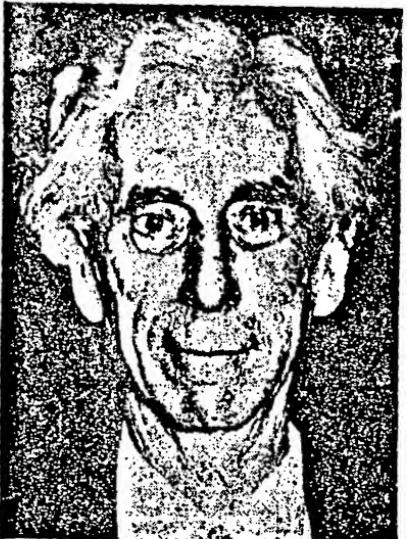
A 17TH CENTURY LIBERAL: Last week I called on him to convey something of what his action has meant to progressive Americans. On the table beside the hospitable tea-tray in his study—which had an electric fire burning and the window wide open to the early summer scents from the garden—were copies of Max Lowenthal's book on the FBI ("I'm just reading it"), William A. Reuben's Atom Spy Hoax ("I'm just going to read it") and John Wexley's Judgment of Julius and Ethel Rosenberg which convinced him and inspired his letter. It was in this room last winter that he received Mrs. Rose Sobell, who persuaded him to read the facts and judge from them whether justice had been done to her son.

"I am going into all this," Russell said, lighting his pipe. "I am a 17th century liberal—you might say in the 17th century sense, in that I have always had a great fear of the police and feel they are the same danger now that kings were then. Lowenthal's book is very instructive. I have been reading about the rounding-up in New York streets in 1918 of men who were supposed to be draft-evaders—almost none of them were, but there seems to have been hardly a bleat of protest.

GREADEFUL LAPSES: "I recall the time when I was at the University of California at Los Angeles in 1939 and they quite suddenly found that one of the lecturers, a man of experience and standing who had defended migratory workers' right to organize, was incompetent. The others didn't protest, and I have never seen anything to equal the terror in the common room when Sproul, the head of the university, marched in to lecture the staff. The university was completely controlled by the banker Giannini—everyone did what this Italian fascist told them to. Then in 1940 when I was barred from an appointment at New York City College—on the ground that I was 'aphrodisiac' among other dreadful lapses, though obviously they didn't know what that meant—not one New Dealer except Mrs. Roosevelt supported me. I can't agree with you that in America there has ever been the same degree of personal liberty that

...have here. It doesn't exist for the average man. At all times I have been rather astonished by their lack of protest against injustice.

"Now the way the FBI is behaving is quite extraordinary. Apparently they can find people to testify to absolutely anything. Yet when I meet Americans, if I say anything at all against the FBI it's as if I'd talked against the Holy Ghost. How can you? This is holy! I am astounded by the letters I have been getting from Americans abusing me and exalting the police, most of all the one from the Committee for Cultural Freedom of which I am a member. Is it for cultural freedom



BERTRAND RUSSELL

A lack of protest astonishes him

or isn't? What has happened to my old friend Sidney Hook? On the other hand I've had many letters from Americans who say: 'I'm delighted you say these things, I wish I dared.'

A CHILLED ALLIANCE: I asked Russell what he thought about the unilateral release of political prisoners and cutting of armed forces by the Russians and their allied countries. He said it was "very embarrassing to the Americans who don't want to do either." I asked: "Do you think the time may be at hand when the world will see America as the country with the only remaining iron curtain?"

"Indeed it's very likely," he said. "You know, all of Western Europe is very much chilled, in the whole conception of alliance with America, by the fact that there has seemed to be less and less difference between America and Russia. We must stand in with America but we don't like it. I am very anxious for good relations, but all these injustices make it harder."

"How can relations with America be improved?"

"Well, we can't do it until there is greater LIBERTY in the American administration—that's the only thing that will do it. And so there has to be more frankness about what is going on there. Of course every government commits misdeeds and feels it must conceal them. We certainly should not be self-righteous in view of our own failures in Cyprus and so on. Governments often manage to keep their misdeeds fairly dark at home but abroad they can't. So if they can't keep them dark, the only thing is to mend their ways."

BASES OUT OF DATE: "The same is true for us British who commit our sins a long way off, although we're not so bad at home. Of course we shall end by being turned out of Cyprus—what we're doing there is absolutely futile. The whole idea that it's important to have bases is out of date. They are only of use if there's to be a big war, but even then, if we want a big war to destroy practically everybody, we can do it all from Greenland which is not far from Moscow. But people agree there isn't going to be a big war; the chances are at least four to one against it, although the risk is still there."

What did he think about the events in the U.S.S.R. since Stalin's death?

"I am convinced the Communists really do want to liberalize their regimes. Would I be mistaken in attributing this to the fact that they have really got good, hydrogen bombs and so are no longer frightened? But it is quite genuine. They have let out thousands of political prisoners although for years they have been saying there weren't any. What has particularly impressed me is Hungary tearing down the barbed wire along the frontier—because it is an actual physical act. Also I am glad that the genes are now able to behave as they like, not just as Stalin told them."

I have always said that Stalin was the successor of Ivan the Terrible. I think his influence was completely bad. I was in Russia only once, in 1920, and wrote a little book about it. I thought it was horrible—an absolute nightmare—and have had the same view since, although it is getting better now: not what I should like at all, but better. But in any case we've got to co-operate with them whether we like it or not."

AN APOLOGY TO MAKE: I asked him if his views of Western policy toward Russia hadn't changed in recent years. This was his answer:

"The worst thing I ever said—and I am sorry I did—was soon after the last war at the time America produced the Baruch plan for atomic control. I said we must urge the Russians to come in and that, if they wouldn't, we should threaten them; and I thought they would yield. I wanted to see atomic power internationalized and thought the Baruch plan a good one."

"I think I said that, and I'm sorry. The moment Russia had atomic power the situation was changed. I thought it was quite possible to persuade Russia to come into the Baruch plan. It wasn't that I wanted a war, or to reform the Russian regime—they have the right to whatever regime they like—but to preserve the peace of the world."

"Within the next five to ten years," said the philosopher with the encyclopedic mind and the habit of courage, "it is possible that hostility will grow enormously less. It is less already. It rests largely with America." I left him with his books on the American political police and the merits of their work, promising to lend him my copy of that great contemporary classic, Harvey Matusow's *Witness for the Prosecution*.

FROM CEDRIC BELFRAGE'S NEW BOOK

My Sister, My Brother

Excerpts which follow are from chapter 18 of Cedric Belfrage's forthcoming new book, *The Case of the Frightened Giant*. The book will be published in London and here in November. During his stay in West St. jail prior to his deportation last August 15, Belfrage occupied the cell which had been Julius Rosenberg's while he was awaiting transfer to the Sing Sing deathhouse in 1951. Here Belfrage tells of this, and of his impressions of the couple in whose behalf the GUARDIAN initiated the worldwide campaign for clemency and justice.

JUNE 19, especially as I passed through the receiving room and looked at the two men in my old cell—his old cell, where he thought constantly of her—was a day of much reflection on the interwindings of human destiny.

It was the day on which Ethel and Julius were put to death, just two years before. I never knew them, and I loved them, but not enough. I do not know how much I have of consolation in the fact that the GUARDIAN took up the fight for justice and mercy for them, when all America retreated in abject terror from its conscience as from a red-hot stove. But I think it was above all because we moved for Ethel and Julius after they were convicted of "atom-spying" that the priesthood of the anti-communist mystery moved against me, imprisoning me the first time up to only a few days before they were killed. What consolation there is, I take from that....

Ethel and Julius—and their defender Manny Bloch—were of the human fibre that makes the word "Jew" a beautiful one, as the name "mountain of roses" is beautiful. This we learned gradually, for when Manny came as a stranger to ask our poor little sheet to raise the cry for

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justice since no one else would even listen to him, Ethel and Julius were already in the death-house; none of us had ever set eyes upon them, and none of us ever would. We came to know them through Manny, who always dropped by to tell about his weekly Sing Sing visits; and through their prison letters, which Manny first brought to my desk as they wrote them on the now-familiar prison stationery, and which later became a book cherished by good folk in many lands...

I THOUGHT of what the Catholic schoolteacher Jacques Madoule wrote in France—long after the GUARDIAN had asked: "Is this the Dreyfus Case of cold-



CAPTAIN DREYFUS
Zola wrote "J'accuse!"

war America?" and after the French people, recognizing that it was, had risen in vain protest:

"One can say without fear of error that if Ethel and Julius had not been Jews they would not have been convicted—and perhaps not even tried."

I thought of July 4 in the year 1933, Julius in his cell, after eating the special Independence Day portion of his cream, re-reading the Declaration of Independence in the Times which always devotes a page to a facsimile of it on that day....

He takes his pen from the locker and scribbles a note to Ethel in her cell a hundred yards away: "It is interesting to read these words in this setting.... Then, beneath the signatures of the 55 congressional delegates of 1776, he writes: "Julius Rosenberg." He tears out the page and fastens it up on the cell wall....

When I thought of them as lovers, I thought of Ethel's letter sent from her cell to him: "I arise each morning with the thought of you warm and unspeakably sweet within me and each night give myself into your keeping once more; and all day my heart sings its refrain, 'I am loved, I am loved....'"

When I thought of them as parents, I saw the haunted faces of the "apples of the eye" of Ethel and Julius: Michael and Robbie, arriving at the Christmas party given them by the GUARDIAN staff in 1951. Michael at seven, already old far beyond his years; Robbie, at four, a little boy lost, frightened to go near other children, only looking about him for his mother, running to bury himself for fleeting consolation in the lap of Jo or any woman who looked kind and acted tenderly. And I lived again through the ghastly pilgrimages which I made with the boys in Manny Bloch's car to Sing Sing, stopping to buy them hot dogs along the highway, waiting outside the fall while they spent their hour with the doomed men and Ethel sang them songs that recalled bedtimes when they were a family. I saw the boys emerging, each holding one of Manny's hands, to be surrounded by photographers and reporters coaxing or threatening them for a "story" until Robbie would cry and Michael would stick out his tongue. I saw them again in their first foster-home in New Jersey; wept for them again as the radio, on that bloody night in June of 1953, interrupted its jazz and pepsi-cola advertising to tell us and them that "three jolts" had killed their father and a "puff of smoke" came from the leather mask over their mother's face before she died. The picture changed to the children scampering in wild happiness from room to room of Blanch's and Gloria's law office in February of 1954, where dozens of us celebrated the defeat of the government's efforts to seize the orphans so that the memory of their parents might be unpunished or, if possible, made hateful.

And pictures of what I did not see but had to imagine: Ethel and Julius with the children in the prison, "playing with



ETHEL AND JULIUS ROSENBERG
They had faith in the people until the end

them," as Manny described it, "as if in their own living room"; Julius holding Robbie on his knee telling a story about the boat they saw through the barred window, coming up the Hudson in a cloud of seagulls; Ethel giving them the only present she had, a collection of insects caught in the exercise yard; both of them dry-eyed, holding back their sobs until they were alone again in their cells. To Manny after one of these visits Ethel wrote: "Make no mistake about it: this mother's heart is being methodically and mercilessly broken and the pain is simply not to be imagined... I am one vast vessel of pain—it feels as though every last inch of me beats with hurt..."

OF JULIUS as a human being—for I thought especially of him, sharing a tiny fragment of his experience there where began his journey to the cross—I recalled especially from the letters his excited description of the orange tree. One of the men in the death-house had planted an orange pip in a crack in the concrete of the exercise yard. Waiting for death, Julius and all the others found delight in watering and tending it as it grew inch by inch, finally producing faintly scented flowers and even small oranges. When I mentioned this in a conversation with Mr. Smith, a decent and popular West St. hack [guard] approaching retirement age who had many recollections of Julius, he commented dryly: "That sounds just like him."

Mr. Smith felt more deeply about Julius than it would have been prudent for him to express. He recalled that Julius was always good-natured, considerate and painstaking in whatever he did in West St., and marvelously cheerful considering the nature of his sentence because he was always convinced that justice would prevail. As his letters show, he did not abandon his faith in American justice until nearly the end—and his faith in the people, never. One of the jobs he did in West St. was paneling the walls of the visiting room where I talked with Jo through the glass every Saturday.

"When I thought of Ethel and Julius as 'communists'—the label that had to be pinned to them, although nothing as to their affiliation was ever established at the trial—one reflection was automatic: that if indeed they were members of it, then the American Communist Party was thereby ennobled. If they were, they took their place with many communist men and women to whom humanity was in debt, who in my time had shown the greatest love, that they laid down their lives for their friends. But all that was important to me was that they were my sister and my brother in my own progressive family which was broader than

parties.

It was as "communists" that they were persecuted by the court and by the press, to strike fear into all who were disposed to protest the abuses and usurpations of despots masquerading as democrats; and in the hope that under this ultimate terror they would weaken, recant, and betray. And this it was that stood out plain for us all on the GUARDIAN in that summer of '51 when even we, not yet fully comprehending how far the new despots would go in the cold war on their own people, had been half convinced by press and government smoke that there must be some fire in the case. When we read the trial record which had been so wildly distorted, we knew that at best guilt had not been proven, at worst—and most probably—the whole case was a trumped-up hoax.

SO THE LONG FIGHT began: a good fight against odds that were overpowering, in which a multitude all over America joined, but only the poor and obscure, for the terror frightened into silence virtually all of America's respectable, its high and mighty, its saints, its intellectuals. From thousands of nobodies, after we had set the record reasonably straight, flowed dollar bills in response to an appeal for a Rosenberg defense committee; so that at a time when our struggling enterprise was threatened with extinction for lack of money to pay printing bills, in a corner of the office a table was piled a foot high with money to save Ethel and Julius. Denounced everywhere as a communist plot, the campaign for justice developed steadily yet with sickening slowness as Manny saw appeal after appeal fail in the courts and, the executioner's hand nearing the switch . . .

Then the last frightful days of hopes raised a little and smashed, of the Supreme Court refusing to the end to review the case, of anti-semites yelling obscenities at the pickets keeping vigil around the White House; of demonstrations all over the world, of pleas for mercy even from the Pope of Rome which were bottled up by the witch-hunters already dining on Ethel's and Julius' blood. And the evening itself, on which my GUARDIAN colleagues and I sat around the radio in the office, trying to project our thoughts across the void to the room up the Hudson with the chair in it . . .

THE SPIRITS of Ethel and Julius filled West St. for me, and her verses spoke with the same marvellous freshness as when she sent them long ago to the GUARDIAN from the death-house.

Their song was interrupted, but their Gethsemane and crucifixion had put into millions of hearts a new certainty that it would be sung to the triumphant end.

Ethel and Julius had put a new fear into the hearts of the despots, a healthy fear of the incorruptibility that may reside in ordinary men and women. The silence on the wire connecting the Justice Department with the Sing Sing death-house had spoken eloquently. It said that the plan to turn America into a nation of stooplions had failed.



ERLEN AND MORTON SOBELL
The fight goes on

JEAN-PAUL SARTRE ON THE SOBELL CASE

Will America

"persist in dishonor"

The following letter appeared in the N. Y. Times on June 15. The author, Jean-Paul Sartre, dramatist, essayist and leading exponent of existentialism, is the editor of the French magazine *Les Temps Modernes*.

LEARN that the American courts are soon to rule on an appeal for parole by Morton Sobell, now in Alcatraz under a thirty-year sentence passed in May, 1951, for having been an accomplice of the Rosenbergs in a "conspiracy to commit espionage." Last May 8 Sobell also asked for a new trial.

I am neither an American nor a jurist. Were I either, it would still not be proper for me to attempt to influence the decision of Judge Kaufman, who must rule on these appeals as it was his duty, five years ago, to preside over the first Rosenberg-Sobell trial.

But there is nothing in law or in international custom to prevent my communicating with you and informing you of a conviction shared by many Frenchmen and Europeans—and I am told by

many Americans—that Sobell is innocent and that it would be a grave injustice to have him continue to be penalized for a crime which he did not commit and for which proof has never been submitted.

OPINION IN EUROPE: As you know, the Rosenberg case stirred up considerable feeling in Europe, where opinion for the last three years has been almost unanimous in regarding as unlikely that the Rosenbergs and Sobell committed the crime of which they were accused. It seems impossible to us that a small group, whatever their opinions and intentions, could have been able to "deliver to Russia the secret of the atomic bomb" and to "change the course of history to the detriment of their country."

It is our opinion that there is no atomic secret, that science develops everywhere in the same rhythm and that production of bombs is a matter of industrial potential. The most recent developments of Soviet science and tech-

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nique serve only to reinforce that conviction. As an example I cite the fine article by the director of atomic research in the U. S. S. R., Kourtchakov, published several weeks ago in *Pravda*, and which has caused some stir in Western scientific circles.

Proof which was recently assembled precisely confirms this view. In view of the arguments and the documents that have been offered, it does not seem to me arguable, at least in the case of Morton Sobell, that the prosecution has had recourse, in order to force a conviction, to false evidence and false testimony and has violated not only American law, but international law as well.

PRESUMPTION OF GUILT: Was it not asserted that Morton Sobell and his family had gone to Mexico without visas, and had been expelled? Was not this statement, in the absence of corroboration from a single witness produced against Sobell, a presumption of guilt of the first order? Was there not formal proof that Sobell had requested and obtained a Mexican visa and that it had

been confiscated on Mexican territory by the American police, in violation of a series of agreements and international treaties between the United States and Mexico? Was there not proof that the prosecution was entirely aware of these irregularities—that major pieces of evidence were deliberately kept from the court and caused false statements to be made by witnesses deposing under oath?

It is always difficult—and we French have learned this by experience—to obtain a new trial when the prestige of a nation is involved. But I know that you agree with me in thinking that when justice is at stake, considerations of prestige must not prevail. I do not want to believe that the United States could persist in error and disonor when on the other side of what is happily less and less of an iron curtain other countries have under way reviews of past trials more dangerous and a good deal more painful for their national self-esteem.

Jean-Paul Sarrazin
Paris, June 18, 1958

LOS ANGELES

*In loving memory of the Rosenbergs...
With a promise of
freedom to Morton Sobell...*

WE PROUDLY ANNOUNCE

**THE ROSENBERG-SOBELL
TRIBUTE DINNER**

HONORING

Daniel G. Marshall

saturday, june 30, 7 p.m.
dinner \$10 at the
Mikado, 875 no. western ave.
Los Angeles

auspices: LOS ANGELES SOBELL COMM.
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THE FIGHT WILL GO ON

Sobell new trial plea denied; ruling will be appealed

JUDGE IRVING R. KAUFMAN last week denied Morton Sobell's plea for a hearing on the question of a new trial. Sobell is now in Alcatraz serving a 30-year term to which Judge Kaufman sentenced him at the same time he condemned Ethel and Julius Rosenberg to die for allegedly conspiring to transmit defense data to the Soviet Union.

In bitter, scathing terms that went far beyond the legal issues, the judge's ruling assailed Sobell, his lawyers and those who have rallied to his support.

Declaring the petition for a hearing "entirely devoid of merit," Judge Kaufman said his ruling was designed "to rest with finality baseless contentions and accusations which have been repeated not primarily to aid the petitioner but rather to embarrass and injure our courts and our country."

He attacked "extra-judicial utterances and actions . . . designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constituted a subtle attack upon it."

LAWYERS LECTURED: Concerning Sobell, himself, the Judge showed a withering personal hostility which many observers thought almost unprecedented in a judicial decision. The Judge said:

"As was recently said of another pris-

oner . . . 'He is smart, shrewd and resourceful. . . . Thus he knows how to make charges so wild . . . as to induce a concern for their reputation that otherwise he would not command. . . . It is obvious that he believes in the broadside attack, painting with broad stroke and recklessly maligning all who participated in the process of bringing him to justice.'"

He lectured Sobell's lawyers for spending "an inordinate amount of time, money, effort and ingenuity . . . on petitioner's behalf. If Sobell were an unlettered prisoner, friendless and without funds attempting to cry out 'unfair,' his lengthy and utterly meritless petition might not be such a gross misuse of the judicial process."

Though Sobell's brief asked only for a rehearing on a charge of knowingly perjured evidence, it did not argue the question of Sobell's innocence. (That legally can only be done in the course of a new trial.) Yet Judge Kaufman went far afield from the matter before him to say that even if all of Sobell's contentions were true "it would not follow that he is innocent." In a footnote the Judge said:

"Although the question of a petitioner's guilt or innocence is almost never material in a motion [like Sobell's] . . . I feel constrained to make this point clear in light of the publicity which has been attendant upon the case over the years."

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THE "DEPORTATION": Sobell in his brief had sought to demonstrate that the prosecution had knowingly used false testimony to the effect that Sobell had been "deported" from Mexico when in fact he had been kidnaped with the connivance of the FBI, the U. S. Embassy in Mexico City and the U. S. Immigration Service. The brief charged also that the prosecution had knowingly suppressed the evidence that Sobell traveled under a Mexican tourist card made out properly in his own name and carried other documents in proper legal order.

The points were crucial because much of the case rested on the evidence that Sobell and his family were in flight.

Sobell to appeal

(Continued from Page 1)

Sobell contends that though he had toyed with the idea of going to Europe, and in making inquiries had used a pseudonym, he had given up the idea. His lawyers contend that the illegal kidnapping from Mexico did not give him a chance to return voluntarily. Sobell further charged that the case had not been properly before the original trial court because he was seized in violation of a treaty with Mexico.

"TWICE-TOLD TALE": The Judge in his ruling said that the prosecution had not lied when it said that Sobell had no visa because what he held was a tourist card.

He said the word "deported" was used loosely by the prosecution and might cover the manner in which Sobell was seized though admittedly there was no legal deportation.

Other questions, he said, had been raised earlier though in other forms. The question of jurisdiction in the light of the treaty with Mexico the Judge dismissed as "a twice-told tale in new semantic guise." Actually the point of the court's jurisdiction over Sobell personally had been raised but not the legal question of the court's jurisdiction over the case itself.

Judge Kaufman's decision surprised few observers who watched him during the brief oral arguments on the appeal for a hearing. He repeatedly interrupted

Sobell's attorney Marshall Perlin to defend the conduct of the trial point by point, to defend the prosecution rather than to hear both sides with judicial impartiality.

Over the courtroom hung the shadow of the dead Rosenbergs. It was plain that to admit the possibility of Sobell's innocence would also weaken the case against the Rosenbergs and admit the possibility of fatal judicial miscarriage. One observer commented that Judge Kaufman was a prisoner of the Rosenberg-Sobell case.

THE FIGHT GOES ON: The press generally acclaimed the Judge as it did when he sentenced the Rosenbergs to die. The Newark Star-Ledger editorial was typical: "We, along with Judge Kaufman, hope this shuts up the Sobells for a while."

That hope was quickly shattered as Sobell's attorneys—Frank Donner, Arthur Kinoy and Benjamin Dreifus, in addition to Perlin—prepared to take the ruling to the Circuit Court of Appeals. Mrs. Helen Sobell, wife of the prisoner, said:

"We will continue our attempts to secure justice and a full and fair hearing as provided for by our courts by appealing this decision to the highest court of our land if need be. Certainly evil men may not be permitted to use their high office to convict and keep imprisoned innocent people. In August, 1950, my husband declared his innocence. He has maintained his innocence through six full years of imprisonment. We have the facts now to prove his innocence. We must be heard."

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Billings on Sobell

MORTON SOBELL is no more guilty than I was. The District Attorney threatened me that if I didn't testify against Tom Mooney he would hang Mooney and me too. They let Morton Sobell know that if he didn't testify against the Rosenbergs, he would rot in Alcatraz. But Sobell didn't have anything to testify any more than I had.

Warren K. Billings at a meeting in San Francisco June 22.

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A 'REAPPRAISAL' THAT MISFIRES

Stone forces us to set

Sobell record straight

THE JULY 2 ISSUE of I. F. Stone's Weekly contains an article entitled "Time for New Tactics on Rosenberg-Sobell, Too" which compels this reply.

It is an inexcusable effort to involve those who fought to the point of tears and collapse for the Rosenbergs' lives with the editor's current personal campaign of taunting the Communist Parties of the world for their tactics during the Stalin years.

Thus "the Rosenberg cult" conducted its "agitation" in "so shrill, hysterical and mendacious a way as to offend many who might have been won over by sober presentation."

"The false cry of anti-Semitism . . . the wild cries of frame-up, sacrificed calm consideration . . . to the needs of world Communist propaganda. . . . Slansky was executed overnight without an appeal in Prague. How the same people could excuse Slansky and the 'doctor's plot' and at the same time carry on the Rosenberg campaign as they did calls for political psychiatry."

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THE RECORD SHOULD SHOW that during the campaign that I. F. Stone now decries, one of his contributions to "calm consideration" and "sober presentation" was a column in the Daily Compass of Oct. 15, 1952, in which he recommended 30 years' imprisonment for the Rosenbergs, after saying: "I have never been persuaded that the case was a frame-up." This judgment was not based on analysis of the evidence, for Stone conceded after the Rosenbergs had been executed that he had never read the trial record. Thus his conviction of their guilt was a matter of personal divination.

It was the NATIONAL GUARDIAN which opened up the campaign in behalf of the Rosenbergs, not because of a Communist decision to conduct such a campaign, but precisely because not the Communist Party, nor the Daily Compass, for which I. F. Stone then wrote, nor any other agency or individual except the stricken couple's lawyers and family, had taken steps toward examination of the trial record, public weighing of the evidence or rooting out the perjuries, criminal misrepresentations and uneven-handed justice by

which their convictions and unprecedented sentences were obtained.

To state now, as Stone does, that "the Rosenbergs were treated a good deal more fairly here than Slansky and other Jewish victims of Stalin Justice" is demagogic word-slinging at the meanest level. To calumniate the world outcry in behalf of the Rosenbergs, yet lament the lack of such in behalf of Slansky and victims of possible injustice elsewhere, does indeed call for political psychiatry.

ON THE SOBELL campaign, Stone says that the "letter of Bertrand Russell's . . . with its comparison of Nazi and FBI 'atrocities' is in the strident and hysterical tradition of the Rosenberg campaign. Jean-Paul Sartre's . . . was not much better." In the current motion for a new trial, now going up to a higher court on appeal from trial Judge Kaufman's first-round denial, "false hopes were stimulated, false impressions given . . ." Stone finds himself "afraid that Judge Kaufman has the better of the argument."

In that argument Sobell's attorneys asked only for a new trial which can be held in an atmosphere less charged with the passions which surely Stone must recognize made justice unlikely if not impossible. Most people, it seems, would applaud such an objective and cheer every move in that direction. If Stone or others wish to play the lawyer, though, there are solid points of law to consider. For example, the Sobell brief demonstrates something that could not have been presented during the original trial: a governmental intent to offer evidence it knew to be false.

The government and Judge Kaufman now admit that Sobell was kidnaped from Mexico and that the jury was told that he was "deported." Yet Judge Kaufman has ruled—and Stone apparently concurs—that the meaning of "deported" can be stretched to include a kidnaping, and therefore the jury was not misled.

SOABELL'S CASE does not hang on even that legal point. But in American law it is enough to find one point on which the jury could be wrongly informed to warrant a new trial. At that

new trial the guilt or innocence of Sobell could be properly argued.

Stone concedes that in the Rosenberg case "the discovery of the console table [which the GUARDIAN discovered, by the way] merited a new trial." Indeed, in a new trial the true origin and physical details of the table would have demonstrated a skein of perjury and misrepresentation which was among the most damaging and false evidence against the Rosenbergs.

Yet the evidence of willful misrepresentation in the Sobell case is insufficient, says Stone, to warrant a new trial and the Sobell defense "will have to do better if it is to free him."

Painful as it is to write this editorial, we think it necessary to offset possible disaffection and discouragement among people who find themselves the target in a blind and spleenful buckshot "reappraisal."

WE RECOMMEND in the Sobell matter that you string along with Elmer Davis, Waldo Frank, Dr. Harold C. Urey and 58 others who recently wrote in a letter to President Eisenhower:

"We do not press upon you, Mr. President, the question of Morton Sobell's innocence or guilt—for we ourselves are not of one mind on that issue. Our faith in our democratic system of justice assures us that the truth will ultimately be established."

"We believe it is vital that our nation safeguard its security, but it is important that we do not permit this concern to lead us astray from our traditions of justice and humanity. In this light we further believe that Morton Sobell's continued imprisonment does not serve our nation's interest or security."

"Therefore, most respectfully and earnestly, Mr. President, we look to you to exercise your executive authority either by asking the Attorney General to consent to a new trial for Morton Sobell or by the granting of Executive Pardon or Commutation. We take the liberty of urging your personal attention to this matter."

If you concur, won't you let President Eisenhower know your feelings?"

The GUARDIAN

A LAWYER LOOKS AT THE RECORD

'Was Justice Done?'

Prof. Sharp's book on the Rosenbergs

By John T. McNamee

MALCOLM P. SHARP, professor of law at the Univ. of Chicago and perhaps familiar to many millions of mature Americans as a frequent participant in the old Univ. of Chicago Round Table radio discussions, stated publicly in May, 1953, that he thought Ethel and Julius Rosenberg were entitled to a new trial. Among the considerations leading to this conviction was the GUARDIAN's discovery and presentation in April, 1953, of the console table which figured so heavily in the Rosenbergs' conviction—although it was never produced at their trial in 1951.

At the invitation of the late Emanuel H. Bloch, Prof. Sharp joined the defense in the last three weeks before the Rosenbergs were executed in June, 1953. During that period of tragic culmination of the worldwide efforts for reconsideration, clemency or reprieve, Prof. Sharp "worked closely with counsel for the Rosenbergs, along with other volunteers, devoted people, ready to work all night at humble jobs of typing and other routine duties. As a result of this close association," he writes in his book *Was Justice Done?* "I gradually reversed some of my earlier opinions of the case. 'Whereas formerly I had merely criticized the sentence, I now came to believe in the innocence of the Rosenbergs.'

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INCISIVE PROBING: The Sharp book is not, however, a memoir of that brief association, except in parts of two of its 17 chapters. Rather it is a scholarly and incisive examination of the trial record, of the conduct of Judge and prosecution and the testimony and behavior of the alleged accomplices on whose word the Rosenbergs were put to death and scientist Morton Sobell sent to Alcatraz to serve a 30-year sentence.

In this respect Prof. Sharp's book most closely resembles Earl Jowitt's book, *The Strange Case of Alger Hiss*, and perhaps should, as Prof. Sharp himself concedes after 100 pages of legal dissection, be read with the trial record in hand. Whether or not this is possible for every potential reader of the book, it seems that, at the very least, those now working for justice for Morton Sobell should see to it that Prof. Sharp's arguments be considered by every lawyer and legal expert likely to add a voice to the Sobell appeal. For, as Prof. Sharp says in his preface: "The most serious remediable result of the case today is the imprison-

ment of Morton Sobell in Alcatraz under a 30-year sentence."

Prof. Sharp wrote his book in the fall of 1953, while Bloch was still alive. During that period he accepted with Bloch, authors Shirley Graham and Yuri Suhl and GUARDIAN Editor James Aronson, trusteeship of the fund raised by Bloch and others for the orphaned Rosenberg sons. It was still unpublished when William A. Reuben's *The Atom Spy Hoax* and John Wexley's *The Judgment of Julius and Ethel Rosenberg* appeared in early 1955.

A "LOST STORY": Prof. Sharp reviewed both books for the *Monthly Review* in Dec., 1955, recommended both, but "on the information available to me" decided to stick to the theories developed in his own book.

This may be both a strength and a weakness in ultimate consideration of the Sharp thesis. By setting aside the independent findings of Reuben and Wexley, Prof. Sharp avoids countenancing the possibilities of outright perjury and frameup (although he concedes that gaps in the testimony indicate a "lost story" somewhere). This circumspection may win readers not ready to accept the bitter conclusion that their government would indulge in frameup, but it amounts to doing things the hard way in the face of the strongest sort of evidence leading to the frameup conclusion.

The Rosenberg defense at the trial accepted the government charge that an espionage arrangement existed in 1944-45 between David Greenglass, Rosenberg's brother-in-law; Harry Gold, a self-styled spy courier; and Anatol Yakovlev, a Soviet diplomat who returned to his country in 1946. The defense contention was that Greenglass and his wife made the Rosenbergs scapegoats to save themselves when accused by Harry Gold. Gold was supposed to have been named as the courier by Klaus Fuchs, German-born atomic scientist who in 1950 confessed in England to espionage.

THE DISCREPANCIES: But Reuben showed by the prosecution's own statements that Gold was arrested prior to any alleged identification by Fuchs; and both Reuben and Wexley brought to light the fact that Fuchs could not describe Gold, nor identify him when confronted with photographs. Furthermore, Fuchs' official indictment, while mentioning several alleged rendezvous with spy couriers, did not include Santa Fe,

where he is alleged to have met Gold. Further, both Reuben and Wexley demonstrated that Gold's alleged meeting with the Greenglasses in Albuquerque could not have taken place in the manner testified to. Their respective stories were garbled and at wide variance.

WHAT BLOCH SAID: This material and much more, all leading to the conviction that the Gold-Greenglass story was com-



MALCOLM P. SHARP
The record was clear

plicely rigged, cannot be completely laid aside without refutation. Even Bloch himself, although he defended the case on the thesis Sharp still accepts, recognized the implications of the new findings and said to Wexley after the execution:

"How could I dream that officials in the Dept. of Justice would lend themselves to the perpetuation of a complete hoax concocted by this weird character, Gold?"

"I suppose that was my biggest mistake—having those illusions, underestimating the cynicism and power for evil in high places."

Perhaps as an attorney and "officer of the court," Sharp, like Bloch, cannot permit himself to countenance the possibility of known and induced perjury and frameup, even though his own analysis of the testimony leads directly to this and no other plausible answer.

THE CONCLUSIONS: However, although restricting itself to the trial record, Was Justice Done? arrives at the most important conclusions: (1) that Federal court proceedings warrant an overhauling, especially with respect to the weight given accomplice testimony; (2) that Morton Sobell should be removed from Alcatraz and given a new trial, if not freed.

These viewpoints, so ably argued, should cause a long-delayed reappraisal in the legal profession—if not more widely—of the probity of the Rosenberg-Sobell proceedings.

Was Justice Done? has an introduction by Nobel Prize scientist Harold C. Urey, who also is convinced of the innocence of Sobell and the Rosenbergs. Like Sharp, Urey clings to the original contention of a spy arrangement including Gold, the Greenglasses and Yakovlev. But he demonstrates by argument and diagram that the Rosenbergs could have played no necessary part in such an arrangement and were indeed innocent scapegoats, enabling the real participants to go free or get off with lighter sentences.

VALUABLE APPENDIX: An Appendix contains two memoranda from the files of Greenglass attorney O. John Boggs, in which David Greenglass makes statements at variance with his trial testimony; an interrogation of Greenglass in 1953 by Sen. McCarthy and Roy Cohn at Lewisburg Penitentiary, in which Greenglass attempts to link Rosenberg with espionage activities at Fort Monmouth (and which Prof. Sharp sees as further evidence of Greenglass' unreliability as a witness); and Sharp's own review of the Reuben and Wexley books.

Was Justice Done? has a chronology of the case at the start, but no index. This lack makes it difficult to use the book for reference unless one digests it most thoroughly. The discussion of the capsule table, for example, covers some 23 pages, in two widely separated chapters, surely for most lay readers the most convincing portions of the book. Ready access to Prof. Sharp's various lines of inquiry is unfortunately not provided by the table of contents. Nevertheless those who have followed the Rosenberg case closely will find Prof. Sharp's work a masterly analysis of injustice at work.

***WAS JUSTICE DONE?**, the Rosenberg-Sobell Case; by Malcolm P. Sharp; introduction by Harold G. Urey; \$1.50. Monthly Review Press, 66 Barren St., New York 14. \$3.50.

AN EDITORIAL STATEMENT

Anti-Semitism

and the Soviet Union

HUMANELY-CONCERNED AMERICANS will not agree with Soviet Foreign Ministry press chief I. Jr. Ivichev that the question of anti-Semitism in the U.S.S.R. is an internal matter; as they would not contend that anti-Negro practices in the United States are an internal concern only of this country. Or that the Rosenberg Case was a private American matter.

Nor can these same Americans—among whom are those of the highest good will toward the Soviet Union—be fully reassured by the lack of candor evidenced by Soviet officials seeking to maintain the position that anti-Semitic occurrences in their country are matters of internal concern only. All injustice is a matter of

concern. Humanely-concerned Americans—with whom the people of the GUARDIAN associate themselves—stand together in abhorrence of anti-Semitism and all other forms of discrimination, or registration of peoples by race, color, nationality or other group differentiation; of quota systems however rationalized and wherever existing.

We learn with relief and all possible satisfaction that amends are being made where possible and that restoration of suppressed culture is taking place; yet we cannot regard executions of Jewish leadership and resulting terrorization as in any way different from legal lynch-

ings with which Americans are all too familiar.

That they have occurred in a socialist society, even despite a tradition of law making such acts criminal and punishable, compels the conclusion that even such a society cannot in 38 years wipe out centuries-old prejudice, nor make a whole people proof against the corruption of power or the power of corrupt forces to regenerate and exploit it.

All humanely-concerned Americans await full reassurance; and many look to the Soviet Union to set needed world example in the complete elimination of even the semblance of barriers between peoples making up a nation.

THE EDITOR

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REPORT TO READERS

Freedom's deed

*Truth forever on the scaffold,
Wrong forever on the throne.*

—James Russell Lowell, "The Present Crisis," 1844.

SO INDEED IT MUST SEEM to those who fought for Truth, in the years beginning in 1951, through the dread climax of 1953 which saw the Rosenbergs put to death, and still today while the fight goes on for Justice for Morton Sobell. Truth in the Rosenberg-Sobell Case still stands on the scaffold. Wrong taunts the truth-tellers from the forums of Congressional committees and the newspaper columns of lickspittle gossip-mongers.

Yet Lowell, who wrote his lines not in despair but to encourage the fight against slavery, reminded his comrades in that struggle:

*Once to every man and nation comes the moment to decide
In the strife of Truth with Falsehood, for the good or evil side;
Some great cause, God's new Messiah, offering each the bloom or
blight,
Puts the goads upon the left hand and the sheep upon the right,
And the choice goes on forever 'twixt that darkness and that light,
And further:
When a deed is done for Freedom, through the broad earth's aching
breast
Runs a thrill of soy prophetic, trembling on from east to west...*

WE CHOOSE NOT to waste our space reprinting the calumnies of the Walter Committee's purported report on the Rosenberg-Sobell clemency campaign. We deem it a duty, however, to remind the readers of this paper that it was they who originally mounted this historic campaign; and it is an ironic tribute to your efforts that a Congressional Committee should still be trying, three years after their deaths, to convince the public of their guilt.

Truth in the Rosenberg-Sobell Case is indeed still on the scaffold, but continues to speak forth, reaching encircling thousands with the sure evidence that those who fought originally for their lives and freedom were right; that wrong in this case will be toppled from its throne as surely as it has been in the bygone cases of Sacco and Vanzetti, Mooney and Billings, Haywood, Pettibone and Moye, the Haymarket victims and many others sacrificed in the historic long struggle in this nation between truth and falsehood, freedom and repression.

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WE SUGGEST to you who began and now carry on this ennobling struggle, that you challenge the Walter Committee's "report" in whatever newspaper in your community carried stories on it. You have redoubtable allies—Prof. Malcolm Sharp with his irrefutable legal demolition of the case in *Was Justice Done?*; the John Weiley and William A. Reuben conclusions of outright frameup which must surely have precipitated the current flurry of attacks on the Rosenberg-Sobell adherents; and the host of public figures who have expressed doubt or outright disbelief of the guilt of the Rosenbergs and now call for the freeing of Sobell.

The appearance of the Walter Committee attack has been timed to coincide with the hearing of Sobell's appeal this fall by the Circuit Court of Appeals. It is a palpable attempt from a Congressional level to influence if not dictate the course of Justice; and to discourage and disperse the forces gathering the money and public support needed for the appeal.

Only a rededication by those against whom the attack is aimed can prevent it succeeding. We urge (1) that you reply with vigor to the attack in your community press; and (2) that you pitch in with might and main to help carry the Sobell appeal to the limit.

DO YOU DESPAIR of winning court decisions? Better not! As this is written Federal Judge Westover in Los Angeles has just thrown out the government's denaturalization case against Rose Chernin Kunitz, executive director of the L. A. Committee for Protection of Foreign Born—a decision hailed as the most far-reaching since the Supreme Court upheld the right to citizenship of the Communist leader William Schneiderman in 1943.

The Sobell Case can be won, too, but not by sitting it out.

THE GUARDIAN

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✓, mark of

Berkeley, Calif.

FRIENDS OF MORTON BORREL
are invited to a Party
SATURDAY, NOV. 10, 6:30 P.M.
1025 Stuart St. Refreshments, live sup-
per, games, music, record identification,
raffle. Donation: \$5.

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TURNING POINT Published by
THE COMMUNIST LEAGUE

The Virtue of
ABSTENTION
in the
1956 ELECTIONS

The
SUPPRESSED FACTS
in the
ROSENBERG CASE
by IRWIN EDELMAN

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Alcatraz

Kiss the wall and caress
the glass.
Feast, after your lonesome
fast.
Cherish this joy, garner your
pleasure
Emptiness demands it back,
full measure.

Here is studied destruction,
Scorched sorrow engulfed
by shifting sand.
Madly we fill and empty
our cups,
Our moments beyond our
command.
We must drink of our love,
taste of our truth,
Seconds must be the days,
the years, of our youth.

— HELEN SOBELL

From "You Who Love Life," a
volume of poems by Helen
Sobell, with lithographs by
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P. D. Anderson, Jr.

A MAN STILL HOPES

New Sobell appeal Dec 3

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FOUR YEARS AGO on Thanksgiving Day Morton Sobell was transferred to Alcatraz prison in San Francisco Bay from the Federal detention prison in New York. There, 3,000 miles from his family and from attorneys seeking a new trial for him, his government plans to make him serve out a 30-year sentence for conspiracy to commit espionage with Julius and Ethel Rosenberg during the war years.

The immediate offense which placed him among the nation's worst criminals in the nation's most damnable prison, was insisting on his innocence of the charge and refusing to testify against the Rosenbergs. The Rosenbergs were then appealing their conviction and death sentence which was carried out June 19, 1953.

As in the Rosenberg case, the Supreme Court refused to review Sobell's conviction; but in 1955 new evidence appeared to prove that the government had kidnapped Sobell from Mexico to try him and that it had knowingly used perjured testimony against him. Motions for a new trial were filed early this year and were rejected without full hearing by Federal Judge Irving Kaufman, who sentenced both the Rosenbergs and Sobell and in whose court the perjuries are stated to have occurred.

A NEW APPEAL: On Dec. 3, attorneys for Sobell will file an appeal with the U.S. Circuit Court from Judge Kaufman's decision, contesting that the new evidence warranted a full hearing, which Kaufman denied.

This Thanksgiving Day in upwards of 1,000 localities throughout the U.S., groups of Americans dedicated their holiday gatherings to the support of Morton Sobell's petition for a new trial. Also in support were leading citizens such as Elmer Davis, Prof. Linus Pauling, Sen. William Langer, scientist Harold Urey, Walter Millis, Warren K. Billings, found innocent after serving 23 years in prison on the Tom Mooney labor frameup; Dr. Roland H. Bainton of Yale Divinity School, and hundreds of writers, lawyers, scientists, clergymen and others not convinced of his guilt.

Morton Sobell's hopes, and his gratitude to those on the outside seeking justice for him, are expressed in the following letter, written to his wife Helen as this Thanksgiving anniversary of his transfer to Alcatraz approached:

I've been imprisoned now for over 6 years. A year at the Tombs, a couple

of months in Atlanta, over a year at the Detention House in N. Y. and on Thanksgiving eve I will have been here 4 years exactly—on this island. Each of these periods is a separate chapter of my prison life which has its counterpart in the full world—in your struggle for my vindication...

It's odd but I never felt out of place in any of the prisons. Always the other inmates showed me the greatest consideration as if leaning over backward because I was a "square John". For my part, I don't think I would ever have developed a sensitivity or understanding of others such as I acquired during the past years if I had not been imprisoned. The necessity would never have made itself as urgently felt. Of those on the outside I have only your letters to tell me, thus they are almost like a mystic body to me. I know they are there. I know their selflessness and determination but I do not really know them and consequently feel at a loss. But I know that that will all be resolved in the end—soon...

I well recall how on previous occasions when we began pressing some new action, my hopes soared up like a sailplane caught in an updraft—only to plummet to earth. But when we began working on this petition the thought of freedom—regained never entered my mind except through conscious effort. And then it was the problems associated with one's freedom—life's real problems, not the fanciful ones of the opium smoker—that filled my head.

It's not very frequently that one can make such a complete break with the past and now, as in my youth the romantic idea of how to serve "man" best occurs. I think I'll make a strenuous effort to somehow enter the field of medical electronics—even only as an avocation. And yet another problem. How can I repay all those who have toiled so tirelessly on my behalf? One can't just forget it.

I guess it's natural each time to feel more optimistic than ever before but I think sound reasons exist for my present mood. First, the intrinsic power of the present petition is of a much higher order than of anything that has preceded it and second, the external situation has changed for the better. Thus it is that four Thanksgivings later I feel most thankful for soon, soon it will all be over—soon.

Morton Sobell,
Thanksgiving, 1956

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5 THANKSGIVINGS ON ALCATRAZ

Sobell is confident of victory

By Helen Sobell

"IT MUST BE CLEAN and sharp and unequivocal," Morton had written to me about the brief that was going to the Appeals Court. "so that they will not be able to slide out, or around or under." And as the boat taking me to Alcatraz swung around to the island the day before the fifth Thanksgiving which Morton was to spend there, I thought of his words. Morton is like that: A scientist, clean and sharp and unequivocal, and he wants everything to be that way. "All that is good and promising in my country I can still fight for, and I want to," he has told me many times.

The window seemed smaller than ever, the telephone more static-ridden, yet we didn't care about that. For a few brief minutes we could talk to each other. Mort told me about his conference with the attorneys the previous week. Marshall Perlin had made the trip all the way across the country to go over the final revisions on the brief and with him for the discussion had come Benjamin Dreyfus who is our attorney in San Francisco. "It's a good brief, Helen," Morton had told me. "It's good in itself and it shows the fraud and the perjury so well that it must bring up the question of how dirty the rest of the trial was."

WITH YOUR HELP: I told Morton in that visit and the next two on Nov. 30 and Dec. 1 of the Thanksgiving dinner which Warren Billings had asked me to attend at his home. Warren and Josephine were there with all of their friends and neighbors and the first toast was to the "freedom of Morton Sobell much, much sooner than I received my own with Tom Mooney." In that living room in San Mateo we all shared our Thanksgiving dinner with Morton, and added words and thought and money to the fight for Morton's kind of America.

In San Francisco, too, and in Los Angeles, we had many gatherings. I told Morton of each one of them, and of our friends who work day and night because they don't want a single minute more to be added to the six and a half years Morton has already spent in prison.

I asked Morton, who has always given as much to his work as a scientist, how his work of folding sheets in the laundry was going, and he said to me, "If I thought I was going to be here much longer it would bother me, but you know, I expect to be in New York for the hearing in February."

With your help he can be, and he will be.

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Friends, Organizations Please Note
Bronx Mobil Committee is sponsoring a
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KIDNAPPING AND PERJURY CHARGED

Sobell acquittal or

new trial urged

in defense brief

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ATTOURNEYS FOR Morton Sobell, now in Alcatraz serving a 30-year sentence for alleged complicity with Julius and Ethel Rosenberg in an atomic espionage conspiracy, asked the U. S. Court of Appeals Dec. 12 to direct his acquittal or grant him a hearing for a new trial. The brief asked the Court in any case to reverse the ruling of Federal Judge Irving R. Kaufman last June denying Sobell a hearing on new evidence believed to warrant a new trial.

Sobell's appeal, presented on two motions argued in a brief totalling 160 printed pages, sets forth new evidence to prove that Sobell was not deported but kidnapped from Mexico in 1956 to stand trial with the Rosenbergs; that the prosecution falsely and knowingly represented to the Court and jury that he had been legally deported; that Sobell's removal from Mexico was in violation of the U. S. extradition treaty with Mexico and therefore grounds for vacating his conviction; and that Sobell himself had no way of being suspicious of, much less proving, these illegalities until years after his conviction.

The new appeal also reinforces arguments presented in Sobell's first appeal—which was denied with Judge Frank dissenting and refused review by the supreme Court—that his conviction resulted from the dubious testimony of Max Elitcher, "an admitted perjurer and, if believed, a co-conspirator who was testifying with obvious intent and motive." The remainder of the case against Sobell, the brief argues, "was limited to an attempt to establish his guilty consciousness by proving he had fled to Mexico."

THE KIDNAPPING: The Sobell family had gone on vacation to Mexico and had booked return passage when their apartment was entered by English-speaking men who identified themselves as Mexico D. F. policemen. Charging him with suspicion of being "Johnny Jones" wanted for bank robbery, they beat him unconscious and eventually delivered him to U. S. border authorities at Laredo, Tex. The manifest recording Sobell's return to the U. S. via Laredo was marked "Deported from Mexico" by an immigration inspector at the scene.



MORTON SOBELL
Make it clean and sharp...

The appeal establishes that the prosecution had been notified by the Mexican government long before the Sobell trial that it did not "consent to or participate in" Sobell's removal. It points out further that an FBI agent named Lewis, who was present when the Mexican consulate notified Laredo officials that Sobell had not been deported, sat at the counsel table throughout the trial while prosecutors Irving Saypol (now a N. Y. State Supreme Court Judge) and Roy Cohn assumed judge and jury that Sobell had been legally deported.

PRECEDENTS: In rejecting Sobell's petition for a hearing on the new evidence last June, Judge Kaufman ignored all the new evidence presented and based his opinion on the belief planted at the original trial that Sobell had been excluded by the Mexican government. The extradition treaty between the U. S. and Mexico requires that requests go through diplomatic channels and limits the alleged offenses for which extradition will be granted.

According to two Supreme Court decisions cited by the Sobell attorneys, the entire proceeding against Sobell must be

quashed if he was removed without due extradition procedure or in violation of the treaty in any manner. One decision affirming this vacated the conviction of a fugitive extradited for one offense and tried for another not covered by the treaty involved. Another, the confiscation of a British merchant ship, the *Mazel Tov*, captured as a rum-runner, was reversed in a decision rendered by Judge Brandeis because the ship was captured in violation of a technical provision in a treaty between the U. S. and Britain.

Kaufman in rejecting the *Mazel Tov* precedent, relied on a 70-year old case in which the Court affirmed the conviction of a man brought back from Peru allegedly in violation of the extradition treaty. The Sobell appeal shows Kaufman's citation in error in several respects, the principal one being that a *de facto* government composed of Chilean armed forces occupied Peru at the time, and consented to the removal.

'POISONED RESERVOIR': In pressing for a hearing on the new evidence, if not an outright directed acquittal, the new appeal cites with vigor the request of the U. S. Solicitor-General this Fall to the Supreme Court to return the appeal of the Pittsburgh Smith Act victims to the lower courts because of doubts concerning the veracity of Joseph Mazel, chief government witness against two of the defend-

ants. In this instance the Supreme Court went beyond the government's request and vacated the original convictions with the statement by Chief Justice Warren that the prosecution had "poisoned the water in this reservoir, and the reservoir cannot be cleaned without first draining it of all impurity..."

In the event of a decision granting a hearing, the appeal requests the Court to mandate Sobell's presence at the proceeding. Several precedents are cited, with the reminder to the Court that "appellant is presently incarcerated in Alcatraz Penitentiary, thousands of miles from the site of the hearing... The time, expense and difficulty involved in communication with or journeys to appellant to prepare for the hearing would be so burdensome as to deprive him and his counsel of the essential consultation required."

The Sobell appeal was filed by attorneys Frank Donner, Arthur Kinoy and Marshall Perlin of New York; Benjamin Dreyfus of San Francisco and Luis Sanchez Ponton, professor of law at the University of Mexico, and former Minister of Education. The government has 20 days in which to file its answer. Sobell is entitled to submit a reply brief to the government's answer before argument is heard. The date for argument, probably before a three-judge Appeals Court panel, has not been set but will probably be in late January or February.

THE ILLEGAL SEIZURE

Suppression of evidence cited

Excerpts from the Sobell defense brief summing up the charge that Sobell was illegally seized in Mexico and unlawfully tried:

The present motion and supporting papers charge:

1. The prosecution knowingly, wilfully, and intentionally introduced false and perjured evidence to establish that appellant was deported by the Government of Mexico. The prosecution knew that appellant was not deported or otherwise exiled by the Government of Mexico or its agencies. The prosecution knew that appellant was removed without the knowledge or consent of the Mexican Government. It was the prosecution itself which had planned, directed and participated in the illegal seizure and abduction of appellant, using the services of its agents in the United States and Mexico.

The prosecution and the witness Huggins [U. S. Immigration inspector at Laredo who wrote "Deported from Mexico" on Sobell's manifest] long prior to the trial were informed by the Government of Mexico that it did not consent to or participate in appellant's removal. They had been advised by the Mexican authorities that appellant's seizure and abduction were unlawful and constituted a violation of Mexican sovereignty. Nevertheless, the prosecution used Government Exhibit 25A [a photostatic copy of the Sobell manifest] and Huggins' intentionally false and misleading testimony to

prove that appellant's removal was effectuated by the Government of Mexico by means of a legal deportation.

2. The prosecution knowingly, wilfully and intentionally suppressed evidence which would have impeached this false testimony and would have disclosed its knowledge of the falsity of the evidence. It suppressed the fact that appellant was abducted by its agents without the knowledge or consent of the Mexican Government. Finally, it suppressed the fact that Huggins had been advised long prior to the trial that the notation "Deported from Mexico" on Government Exhibit 25A was false. The prosecution was impelled to suppress this evidence in order to enjoy the fruits of its illegal action, which otherwise would have been inadmissible.

3. Further, the prosecution, seeking to preclude a judicial inquiry into the facts made false representations to the trial court. In opposition to the motion in arrest of judgment [at the conclusion of the trial, in 1951, charging illegal removal from Mexico] the prosecution falsely represented that appellant was deported by the Mexican authorities. It attacked the truthfulness of appellant's affidavit in support of the motion in arrest of judgment which might have opened Pandora's box and led to the disclosure of the prosecution's illegal activities.

In its brief to this Court, the prosecution perpetuated the fraud of lawful deportation. It continued to suppress the fact and indeed denied that it was a party to appellant's illegal seizure.

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Morton Sobell's Case Is in the Courts—
YOUR CONTRIBUTION IS NEEDED!

Committee to Secure Justice for Morton Sobell
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SEE NEW TRIAL WARRANTED

Mexican lawyers raise grave questions on legality of Sobell's seizure

THE NOVEMBER, 1956, issue of La Semana, a leading Mexican magazine, reports a belief among Mexican legal authorities that the laws and sovereignty of Mexico were blatantly violated by the seizure of Morton Sobell and his family on Mexican soil in August, 1950. The article is headlined: "The Dignity of Mexico Demands Review of the Sobell Case."

Sobell, serving 30 years in Alcatraz on a charge of conspiracy to commit espionage, is appealing to the U. S. Court of Appeals in his effort to prove his innocence and establish that his trial was fraudulent.

His appeal charges that the prosecutors, without knowledge or participation of Mexican authorities, kidnapped him and his family while they were vacationing in Mexico City. Then, Sobell asserts, the prosecutors deceived the courts with perjured testimony by claiming he had been lawfully deported by the Mexican authorities. Furthermore, Sobell's appeal argues, his illegal seizure violated a U. S. Mexican treaty, and therefore the U. S. courts lacked the sovereign power to try him.

UNIFORM OPINIONS: The article says: "We know that several eminent legal authorities have been consulted and have given uniform legal opinions that such

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Sobell

violations completely deprive the court which tried Sobell of its competence and nullify the sentence against him."

The magazine reported discussion of the case at a recent meeting of the Academy of Penal Sciences, where it was stated that Mexico must see that the "guarantees contained in our Constitution for citizens and foreigners and the regulations of extradition treaties in force must be respected; for otherwise Mexican dignity is compromised by the interference of foreign authorities."

The magazine said questions which "greatly interest Mexico" include:

- "How could Morton Sobell have been dragged from his home in Mexico City without the order of competent authority acting upon constitutional laws?
- "How could he cross our frontier, passing by Mexican Immigration authorities, when he had been deprived, as it has been shown, of his papers of identity by his seizers?
- "What validity has the judgment against him from the moment that his delivery to the court was made in violation of civil rights, of the internal laws of Mexico and above all, of the Extradition Treaty in force between Mexico and the United States?"



MRS. ROSE SOBELL HOLDS PHOTO OF HER SON MORTON
She has traveled thousands of miles in the name of justice

New film strip
on Sobell case

A FILM STRIP telling the story
of the Rosenberg-Sobell case
is now available for showing.
The strip, with more than 100
pictures on the case, is accom-

panied by a narration telling the
story of the case from its begin-
ning through the present efforts
to win Morton Sobell's freedom.
Further information can be ob-
tained from the Sobell Commit-
tee, 940 Broadway, New York 16,
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What war?

NEW YORK, N.Y.

Sen. Fulbright speaks of "pecy. Dulles" as believing "there is a real likelihood that American boys will be required to fight in the Middle East." He warns of the seriousness of "our present circumstances." Sen. Fulbright is a conservative Southerner and, not a sensation-seeker. When he warns of the seriousness of our situation he must have in mind the danger of war. This fear is confirmed by articles in U.S. News and World Report (1/18 and 1/25) stating "More war is a certainty" and asking: "Do the people of America really understand or weigh seriously the whole world situation, with its many potentialities for the sudden outbreak of war?"

On Jan. 25 Jack and Myra Sobell were arrested in New York on suspicion of conspiracy to spy for the Soviet Union. These arrests occur, after an alleged ten years of surveillance, as the U.S. Court of Appeals prepares to hear in February the appeal of Morton Sobell for a new trial on the spy charges for which he was convicted with the Rosenbergs and is now serving a 30-year sentence in Alcatraz prison.

Are the new "spy" arrests timed to create a state of hysteria such as prevailed during the prosecutions of the Rosenbergs and Sobell in 1950-53—a state of hysteria deliberately created to cover up our unwarranted and costly Korean War of 1950-53?

What war is in the offing now? The American people can prevent a new war from breaking out. One of the means to do so is to demand a new trial for Morton Sobell, to demand his freedom from Alcatraz. Hysteria cannot prevail in the face of a fearless regard for truth.

A. A. Heber

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REPORT TO READERS

Where we stand

THE WELLMAN FAMILY of Detroit was on television the other night. The center of interest was 14-year-old Vickie, who had just won the American Legion's Americanism essay contest as her 18-year old brother David had two years ago. Vickie's feat made news because her parents are Communists: Saul Wellman is appealing a Smith Act conviction for conspiracy to teach and advocate violent overthrow of the U.S. government; Mrs. Wellman is facing deportation.

The television interviewers marveled that such fine young Americans could develop under the parenthood of two such subversive individuals. More penetrating interviewers might have questioned whether the parents of two such outstanding young Americans could indeed be subversive, after all; whether they perhaps were, on the contrary, more exemplary Americans than many other U. S. parents.

FROM OUR FIRST STICK OF TYPE back in 1948, the GUARDIAN has fought those who term good Americans subversive, who categorize all good impulses, movements for justice, racial equality, peace and human betterment as un-American activities. We have, indeed, engaged in those activities since our first issue.

We supported Henry Wallace for President in 1948 and fought for the survival of the Progressive Party. We initiated the fight for the lives of the Trenton Six, and saw their death sentences reversed and their innocence established. From the outset we have attacked the Smith Act as unconstitutional, have defended every victim of it and have helped raise funds for their defense and families. From its first shot we opposed the Korean War, a point of view now shared by the vast majority of all Americans. We invited a hue and cry from the Hearst and Scripps-Howard press for forcing to publication the names of U.S. prisoners of war in Korea. We forced to world attention the frameup of the Rosenbergs and Sobell. We have joined every good fight for human rights, racial equality and full status for all minorities. We have particularly concerned ourselves with the treatment of foreign-born in America, doing everything we could to bring about revision of the Walter-McCarran Act.

McCarthy, McCarran, Veldt, Parnell Thomas, Brownell, Eastland, Walter—the whole kit and kaboodle of them—it has been our journalistic pleasure to harpoon, lampoon, expose and decry for their offenses in behalf of political indecency in America.

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T WAS IN THE CARDS that we would invite some counter-attack for this "subversive" activity. We lost our editor by deportation through a combined assault by Velde, McCarthy and the Walter-McCarran Dept. of Immigration. Others of us have been hauled up for Inquisition, but without any dampening effect on our editorial policies or our eagerness to join any good fight and to invite you to join with us.

This month, at long last, our name was added to the "subversive" list of the House Un-American Activities Committee. This is a compilation of 733 organizations and activities blacklisted by any legislative or other witch-hunt body, state or federal. It puts us in the good company of The Committee for the Recall of Councilman McClaughan, the various Committees to Repeal the Smith Act, McCarran and Walter-McCarran Acts and, indeed, the Progressive Party itself which, moribund, is thus forewarned not to attempt to rise again. (The Committee did not specify whether it was blacklisting the Progressive Party of Theodore Roosevelt, Robert LaFollette or Henry Wallace).

T HAS LONG SINCE BEEN EVIDENT that the course of this newspaper is not to be altered by official or unofficial attack; hence the purpose must be to intimidate you, the readers, who have carried on the fights and campaigns for decency and justice which the Walter Committee views as subversive.

The men and women who carried the Rosenberg campaign for clemency to world-wide proportions can and would do it again, should the occasion arise. The core of opposition to Rep. Walter's iniquitous immigration law includes the GUARDIAN readership. The will to peace of the American people has been stimulated and strengthened to a shouting majority by the unwavering devotion and activity of progressive America.

The accomplishment of peace, full human rights and political decency demands a strong, united, growing organization of the citizenry; the purposes of war, corruption, racism and repression require the destruction of citizen opposition.

"We stand where we have always stood, list or no list. We urge you to stand firm where you have always stood. Then, as Sam Small used to say, "Let battle commence!"

—THE GUARDIAN

The cheerful watchmaker of Market Street

By Michael Gold

SAN FRANCISCO IN THE BRIGHT MILD AIR of a San Francisco winter you stroll down Market Street among the easy-going crowds of shoppers, then come to the Grant Building. It's an old, greenish renovated "skyscraper" of eight stories on whose first floor you will find a glass door that reads: "Warren K. Billings, Watchmaker."

You enter a silent little one-room world, like a stage set in gray. A showcase displays some inexpensive Swiss watches, gilt tie clasps from New York and ladies' earrings. Behind it sits a silent man at a bench. He is dressed in a surgeon's white coat and is intently studying a sick watch through the loupe fastened to his hornrim glasses.

You rudely interrupt concentration, but he greets you with an untroubled grin of welcome. This is Warren Billings, who spent 24 years, three months and 25 days in Folsom Prison. He was the fellow-martyr of Tom Mooney in one of the world's most infamous instances of the capitalist frameup of labor leaders. He had been 23, Tom's young lieutenant in organizing this city's street car workers.

Billings now is short and solid, with a ruddy, good-natured face and twinkling blue eyes. He looks like your hard-working favorite uncle, or like the average rank-and-file of Western labor.

"Prison is 'hell,'" he answered my first question cheerfully, "but if you've always liked people and got along with 'em, you'll along in prison 'oo. Though my first six years were really tough. They kept me in solitary all the time: no visits except my lawyer once in



WARREN K. BILLINGS
Philosophy? Same

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three months; no letters, except from my mother. You see, they wanted to break me, get me to turn against Tom Mooney. They put stools in the next cell, told me every kind of lie, trying to make me believe Mooney and the others had abandoned me.

"Once Ficker himself, the District Attorney, called on me. His case was falling apart, and he tried to scare me into being his stooge. He much resembled Joe McCarthy. He shook his hammy fist under my nose and screamed he'd have me hung if I didn't give him what he wanted. Confess to a lie and go free! Stick by the truth and hang!

"They did the same thing to the Rosenbergs. They did it to Morton Sobell. There is the same pattern in all these frameups. That's why I am so concerned with the Sobell case and doing all I can to help."

THE CHEERFUL WATCHMAKER in the white coat then reminisced and related many fascinating episodes of his prison Calvary of 24 years, three months and 25 days. (This exact figure is one that he repeated several times. Like your favorite uncle, Billings tries to be exact and truthful in every fact. He doesn't want anyone to think he is bragging, or that he spent a minute more in darkest Folsom than "24 years, three months and 25 days.")

Folsom, next to Alcatraz, is one of free America's toughest "maximum security" prisons. Billings entered it only two years after public exposure had abolished such medieval tortures as the "water cure," the "books," the "strait-jacket." But the cells still had solid steel walls of half-inch boiler plate, with a two-by-six-inch wicket through which the brutal guards stared and sneered.

Billings feels strongly about prison reform. They are class institutions, built only to subdue and punish the poor and hard-working. Billings had written and spoken on the theme. He feels that organized labor has not yet realized that prison reform is one of its special tasks, a duty it owes the American worker.

Some enterprising publisher could get a fine book from Billings on prison life. I can't begin to repeat the many fascinating stories he spun as customers came and went through the little shop.

"Just the same, I fooled them," he grinned. "I kept studying in the prison; I didn't let them break me. I was always reading books, magazines, scientific papers. I studied history, astronomy, mathematics, law, psychology—and even socialism. I even found some fine professors in jail; an old Oxford professor taught me the

King's English while we labored on the stone pile."

"Where did you learn your watch making?"

"The same way—the hard way, in prison. My old dollar watch broke down. I flattened an old nail and made a little screwdriver and fixed the watch. A prisoner saw me and asked me to fix his watch. Then another and another. I learned as I went along. I discovered the principle that only dirt and friction could stop a watch. So I made tools and hid them under an old Saturday Evening Post. I would have got a month in the hole on bread and water if caught. Finally the authorities legalized my watch repairing."

"And when I came out of jail I started spinning like a top. I was suffering from the usual shock, a sick feeling like dying. Where did I belong? I had no plans, no routine, no hope for tomorrow. But the watchmaking saved me. Now I have remade my life. All sorts of people drop in on me; most of my customers know about the case. Sometimes an old prison friend will drop in, like that old burglar you just saw. He looked like a business man, didn't he? He's a swell guy, none better."

"What is your philosophy now?"

"The same as when I was a boy and was framed for life because I helped organize an A.F. of L. union. It is the philosophy of Eugene Victor Debs. We must fight to free every prisoner and make this a better world, Socialism—that's the password to the future."

BILLINGS GIVES QUITE A FEW DAYS out of his livelihood to travel to New York, Los Angeles and other cities speaking for Sobell's freedom. He is chairman of the local committee; is also an official of his trade union, Local 101 of the Watchmaker's Union, A.F. of L. He is delegate to the central labor council in San Mateo County. One of the issues he specially fights for is Negro integration. Billings grew up alongside a Negro family when he was one of nine hungry kids of a poor widow in Brooklyn. The Negro women cared for him and his little brothers and sisters while the mother was out working. So he feels very simply that they are his own flesh and blood and he has always battled for them in and out of his trade union.

After serving 24 years, three months and 25 days of his life in a prison, he remains a rank-and-file who goes on working, fighting and hoping. No purple writing, no Dostoyevskian despairs, no American intellectual literati! On his banner is still written the simple device, "Freedom!" Warren Billings is a fine example for many of us in this time of confusion.

Let us repair our watches and also free Morton Sobell!

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BAY AREA COUNCIL OF SOBELL COMMITTEE ANNOUNCES change of address: 345 Franklin St. San Francisco 2, Calif.
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LOS ANGELES

WE MEET FOR JUSTICE

join thousands of Americans in an appeal to
the President of the United States for action
in the case of Morton Sobell

FRI., FEB. 22, 8:30 P.M. EMBASSY AUDITORIUM
Adm. 90c; Reserved, \$1.50 847 S. Grand Av., LA.
Ausp: Los Angeles Sobell Comm., 468 N. Western Av. HO 4-725

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MAINSTREAM FORUM
 8:30 p.m. Friday, Feb. 16th at
 Hotel New Northern, 110 W. 37th St.
MEET THE EDITORS
 Milton Howard Charles Hamborg
 Sidney Finelestein Barbara Ollis
 Shirley Graham Rose Geltz
 Annette T. Rubinstein
 NEAR
 Herbert Aptheker Philip Bonsky
 Jesus Colon Eve Merriam
 and other writers read from new
 work in progress.
 Cover: Early! Contribution \$1.

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CAN'T GET A VISA

Mexican lawyer barred in Sobell case

DR. LUIS SANCHEZ PONTON, law professor at the University of Mexico, former diplomat and one-time Minister of Education in Mexico, was refused entry to the U.S. last week after he told U.S. Embassy officials that he planned to participate in the appeal of Morton Sobell.

Sobell, now serving a 30-year sentence in Alcatraz as a fellow-defendant in the trial of Julius and Ethel Rosenberg, is asking a Federal Court of Appeals in New York to free him, order a new trial or at least hold a hearing on new evidence uncovered by his defense attorneys. A Federal District Court has turned down those demands. Much of the evidence concerns the seizure of Morton Sobell in Mexico which the defense holds was contrary to Mexican law and in violation of U.S.-Mexican treaty rights.

Dr. Ponton participated in filing Sobell's appeal with the District Court and was expected to be on hand for consultation and possible participation in the Appellate Court proceedings set for Feb. 4. U.S. Embassy officials in Mexico City assured him his visa would be ready in time, asked him to pick it up. When he came to the Embassy, officials there asked him specifically what he proposed to do in the U.S. Told that he was part of the Sobell defense they announced that there would be a considerable delay in granting the visa.

In court on Feb. 4, Sobell's attorney Marshall Perlin asked that the hearing be postponed and urged the U.S. Attorney's office to facilitate Dr. Ponton's en-

try into the country. Mrs. Morton Sobell sent telegrams to President Eisenhower, Secy. of State Dulles and Atty. Gen. Brownell asking their help in bringing Dr. Ponton to New York.

The court recessed the hearing until Feb. 6.

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PONTON PROTESTS

Fight on lawyer delays Sobell's appeal to Mar. 4

ARGUMENT before the Court of Appeals in New York on Morton Sobell's motion for a new trial or a hearing on new evidence was postponed Feb. 8 until Mar. 4. The move came after U.S. consular officials in Mexico denied a leading Mexican lawyer entry into the U.S. to participate in the argument except under surveillance. The lawyer, Dr. Luis Sanchez Ponton—a former diplomat, one-time Mexican minister of education and now law professor at the University of Mexico—refused to enter the country under surveillance after conferring with Mexican government officials.

Dr. Ponton's original request for a visa to participate in the Sobell hearing scheduled for Feb. 6 was met with the answer that there would be "considerable delay." His protest and those of his U.S. legal colleagues in the Sobell motion resulted in a decision to offer him a visa for the duration of the argument, or three days, whichever was longer, on condition that he would submit to constant surveillance by Immigration officials during his entire stay. Dr. Ponton's participation in presenting the Sobell motion was occasioned by evidence in the motion that Sobell was kidnapped from Mexico contrary to Mexican law and its extradition treaty with the U.S.

Sobell is now serving a 30-year sentence in Alcatraz as a fellow-defendant in the trial of Julius and Ethel Rosenberg in 1951 for alleged conspiracy to commit espionage.

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Inhuman conspirators

NEW YORK, N. Y.

Taking the perjury guilt of Fletcher and the uranium shaft of David Greenglass as a base or foundation and using the normal sequential contacts of the latter two with Rosenberg and Sobell as building material and in turn the evidence permissible in a federal court under legal conspiracy as the cementing substance, a prosecution structure was carefully planned by the Dept. of Justice and erected under the watchful eyes of the superintendent of operations, the honorable judge. And a good and faithful superintendent he was, watching the rickety structure with trained eyes, using his judicial power to add a prop here, fill up a crack there, but always saving it from very imminent collapse.

I advise trying an examination of the evidence and the conduct of the prosecution and Judge with a viewpoint as outlined, and not a single puzzling circumstance or inexplicable affirmation or denial will appear. The resulting picture is stereotyped and unimaginative to be sure, but clear and complete.

Korec at that moment (and for the present) was a flop. They were not only being kicked out of one of the back doors of their own "colonial" mansion, but dispossess proceedings and final foreclosure were staring them in the face. Some little explanation had to be found, and weak and unconvincing as it seems, this comic opera version of atomic espionage was the best they could concoct.

Having read the Wexley book

and Prof. Sharp's analysis and pondering the heartbreaking strivings of the Sobell Committee, I cannot help but wonder now as I have many times before, whether anything short of the complete exposure of the true nature of this frame-up, calling a spade a spade and identifying the grave-diggers, will salvage anything from this judicial wreck. To my mind it is mere fanciful wishing if in the struggle to clear the name of the Rosenbergs and obtain the freedom of Sobell, there is any anticipation of leniency, contriteness or reprieve as long as these misanthropic and inhuman conspirators can remain beneath their sanctimonious mask, undiscarded and even respected.

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LEAVING THE OLD BAILEY on the fifth day, clutching Her Majesty's fee of two pounds one, and eightpence for my services, there were inevitable comparisons in my mind with what I had observed and experienced elsewhere. From an Old Bailey jury-box the abuses to which Americans have become so unfortunately accustomed seem like another world or another age. I thought of the many victims of these abuses with whom I had made friends in West St. Jail. And of the Rosenbergs and Sobell, victims of the greatest injustices within my range of personal concern—and needed no further convincing of what has often been said, that no British court could possibly have convicted them.

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MEXICAN LAW EXPERT ARGUES

Sobell was seized illegally, authority tells appeal court

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By John T. McManus

A THREE-MAN BENCH of the U. S. Court of Appeals headed by Harold R. Medina on Mar. 8 heard one of Mexico's leading lawyers accuse the U. S. government of seizing Morton Sobell in Mexico in 1950 in violation of the Extradition Treaty of 1890 to try him with Ethel and Julius Rosenberg for conspiracy to commit espionage.

Dr. Luis Sanchez Ponton, Professor of Law at the University of Mexico, was formerly Minister of Education and has held several ambassadorial posts. He joined with counsel for Sobell in submitting the current appeal against a ruling by Judge Irving Kaufman last June denying a motion for a new trial. U. S. Embassy officials in Mexico first delayed granting Dr. Ponton a visa to come here, then agreed only to admit him for a period of days under full-time surveillance of the Dept. of Immigration. Protests on both sides of the border forced withdrawal of these restrictions.

Dr. Ponton, a dignified, strong-visaged man in his sixties, delivered his argument before Judges Medina, Galston and Waterman in English from a prepared text. The appeal brief, which was filed Dec. 12, was argued further by attorneys Marshall Perlin and Arthur Kinoy of New York.

BEYOND THE PALE: The Sobell appeal (GUARDIAN 12/34/58) asks for a directed acquittal or a new trial on grounds that Sobell was illegally removed from Mexico, that the prosecution knowingly introduced false and perjured evidence that he had been legally deported and suppressed evidence which would have proved that he was kidnaped. The appeal also challenges precedents used by Judge Kaufman, who presided at the trial where the perjured testimony was used, in denying Sobell a new trial despite the new evidence.

Dr. Ponton's argument pointed out that the only legal way Sobell could have been removed from Mexico was un-

der the Treaty of Extradition and that exhaustive search through Mexican government records failed to disclose any request for extradition. The only documents on the case in Mexico, he said, "disclose that neither the Dept. of the Interior nor the Ministry of Foreign Relations, nor any competent agency, had any knowledge concerning the detention and transfer of the accused to the border, except when the Immigration Official of Nuevo Laredo and the Mexican Consul at Laredo, Tex., notified these Ministries after reading of its occurrence in the public press."

The Sobell "arrest", he declared, "had all the features of a seizure carried out beyond the pale of all law which govern our country" by U. S. police authorities who seem to have forgotten that Mexico is a sovereign country, independent, with its own laws as advanced as those of any other country."

FALSE NOTATION: In the motion for new trial presented to Judge Kaufman last June the Sobell defense introduced new evidence to show that long in advance of the Sobell trial Mexican authorities had denied any part in Sobell's removal from Mexico (by English-speaking men who identified themselves as Mexico D. F. policemen searching for a bank robber named Johnny Jones). A U. S. border official nevertheless wrote "Deported from Mexico" on Sobell's manifest, although he and the prosecution knew this to be false. The original motion and the appeal both argue that Sobell's illegal removal by legal precedent invalidates any subsequent proceeding against him.

Dr. Ponton associated himself fully with all the contentions of the Sobell appeal, although his argument largely went to that portion dealing with the circumstances of Sobell's removal from Mexico.

"I did not agree to serve," he told the U. S. Court, "until I arrived at a personal conviction of the justice of this case and the interest my country has in defending its prestige and sovereignty."

Excerpts from Dr. Ponton's argument follow:

"**MORTON SOBELL** was not expelled or deported by the Government of Mexico.

"His return to this country was not due to a spontaneous action of the Government of Mexico, and hence the arrest and removal of Morton Sobell to the common border of the two countries occurred for no other reason than the interest which the United States Government had in having this performed, and it was the United States Government that set in motion and organized the method whereby Sobell was removed for the purpose of delivering him to the legal authorities to stand trial for a crime with which, until that time, he had not been charged.

"Thus, in view of the fact that the interest in Sobell's apprehension existed only on this side of the border, there was not, nor could there have been, any other legal grounds save those stemming from the Treaty of Extradition which is, in

fact, the only law pertinent to this case.

"As has already been argued before this Court, the Treaty in question is not only a commitment entered into between the Governments of the United States and Mexico, but it also carries the weight of Constitutional Law in both countries, in keeping with the juridical system known as 'incorporation' of international agreements into the law of the land.

"It is for this reason that we can unhesitatingly affirm that the provisions of the Treaty not having been followed, not only has there been in this case lack of respect for international agreements, but also suppression of personal rights which are enjoyed by any stranger in a country, as well as by the person accused in his country of origin when he is found on foreign soil.

"Lastly, all of these facts have led the defense to the conclusion that since there has been in this case a violation of the provisions of the Treaty of Extradition, the Courts of this country are without

(Continued on Page 18)

Jurisdiction to judge and condemn Morton Sobell.

"**A**S AGAINST THESE FACTS and the legal grounds advanced, the representatives of the United States Government advance the thesis that Morton Sobell had fled to Mexico to foil justice because he knew himself to have committed a crime and that under such conditions it was admissible to pursue him, arrest him, regardless of the means adopted to bring about such an arrest and to bring him to justice. Thus, these representatives claim that it was right and proper to treat him as a 'fugitive'.

"There are words which appear to have



LUIS SANCHEZ PONTON

The argument was strong

the magic power to resolve the most intricate problems, and the word 'fugitive' is just such a magic word."

"If we are to accept as 'genuine' only the ideas expounded here by the prosecutor, all means, lawful or contrary to law, are admissible when dealing with a fugitive. It is good and proper and legal to whisk him out of his home in the middle of the night. It is good and proper and legal to tear him away from his wife and children, to bludgeon and humiliate him, to commit him to prison without an order from the competent authorities and, on the basis of such acts, to sentence him to 20 years of prison.

"**THE ONE FACT** that stands out in this case is that Morton Sobell never was a fugitive.

"When arrested in Mexico there was no accusation as yet against him or a

least he was not aware of any . . .

"The representative of the Government of the United States hints in his rejoinder to the appeal lodged by the defense that very likely the Government of Mexico, and specifically through the members of the secret police of Mexico, have cooperated for the apprehension and transfer of Sobell through what might be a sort of international courtesy or because of a sense of concern for the security of the nations of this hemisphere.

"Of this, there is not a shred of evidence. In my position, not being associated in any way as an official representative, but merely in my capacity as a Mexican attorney whose services have been solicited in defense of a man whom we consider to have been unjustly condemned, I want to declare here that if

the Mexican authorities had been asked to deliver a criminal who was placing in jeopardy the security of this continent, they would have found a legal method for surrendering this man to the United States authorities; but the fact is that investigation has disclosed the Mexican authorities did not intervene in this matter . . .

"INTERNATIONAL ORDER is based on generally acknowledged principles such as those of pacts sunt servanda, good faith, and the juridical conscience of the peoples.

"Without respect for the obligations freely accepted by the nations, the order on which is based the peace and tranquility of the world would be destroyed in a way that, as in primitive times, only brute force would rule."

REPORT TO READERS

Righting the record

THAT GIMLET-EYED defender of national security, Rep. Francis E. Walter (D-Pa.), head of the House Committee on Un-American Activities, warn that "the Communist apparatus" has begun a nationwide campaign on behalf of Morton Sobell "coincident with the opening of an espionage trial against Jack and Myra Sobell and Jacob Albam of New York."

One wonders where to start picking the Congressman apart on this announcement. Morton Sobell is the man this paper has been going to bat for since 1951, when he was sentenced to 30 years in prison for alleged conspiracy to commit espionage. He was convicted with the Rosenbergs and sent to Alcatraz while they were in the Sing Sing death house.

There is most certainly a nationwide campaign in progress in his behalf. In fact, President Eisenhower has on his desk a letter initiated by commentator Elmer Davis and others (all of whom are going to be surprised to find themselves described as a Communist apparatus) asking freedom or a new trial for Sobell. This letter first went to the President almost a year ago.

BY NOW SOME 150 additional petitioners have signed it—among them the Chicago rabbi who delivered the invocation at the Democratic Convention last summer; the Protestant chaplain of Alcatraz penitentiary, where Sobell has been imprisoned since 1952; and former Gov. Olson of California who freed Tom Mooney and Warren Billings.

As far as Jack and Myra Sobell and Jacob Albam are concerned, a lot of people have written and called this newspaper with the suspicion that the new "Soble" case was deliberately launched by the Dept. of Justice at this time (after being kept on ice for ten years according to the FBI) for whatever effect it might have in surrounding with confusion the appeal of Morton Sobell which was argued this past week before the Circuit Court of Appeals in New York (see P. 1).

Space will not permit us to print the entire list of people who have publicly signed the Elmer Davis letter to the President in behalf of Morton Sobell. A preponderance of the signers are clergymen from all corners of the country. The Chicago rabbi mentioned above is Jacob J. Weinstein of KAM Temple. The Alcatraz chaplain is the Rev. Peter McCormick of San Francisco. Nobel Prize winners Emily Green Balch, Harold C. Urey and Linus Pauling are signers. So are Rabbi Arthur J. Leleyeld of N.Y., former director of the Hillel Foundation; Rabbi Emanuel Backman of New York, past-president of the N.Y. Board of Rabbis; Dean Paul Roberts of the Episcopal Cathedral of Denver; Rev. Daniel Lyman Ridout, administrative secretary of the Methodist Church in the Baltimore Area.

Detroiters (and many others, we expect) will recognize the significance of the name of the Rev. Henry Hitt Crane among the signers. Another author Waldo Frank, is known the world around. Practically everybody knows Bob Kenny, former attorney general of California; John F. Finerty, counsel in the Sacco-Vanzetti and Moore-Billings cases and associated with Emanuel Bloch in the last months of the Rosenberg case; Lewis Mumford, frequent New Yorker magazine writer; historian William Appleman Williams of Oregon; and dozens of other signers.

YOU CAN GET THE FULL LIST (and Congressman Walter is rich, in one respect: it is growing) by writing to the Sobell Committee, #40 Broadway, New York 3, N.Y. We urge you to do so, and then see if there are not one or more prominent citizens in your community who would join with these signers in their appeal to President Eisenhower for justice for Morton Sobell. —THE GUARDIAN

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The Frightened Giant

A NEW BOOK

By CEDRIC BELFRAGE



THE 236 PAGES of our Editor-in-Exile's warm recollections of the America of the GUARDIAN's years are crammed with memories that are yours, too, and you will rejoice to relive them with him. In his chapter on the Rosenberg-Sobell Case, "My Sister, My Brother,"—perhaps the book's most moving—he writes thus about the two martyrs:

"When I thought of Ethel and Julius as 'communists'—the label that had to be pinned to them, although nothing as to their affiliation was ever established at the trial—one reflection was automatic: that if indeed they were members of it, then the American Communist Party was thereby ennobled. If they were, they took their place with many other communist men and women to whom humanity was in debt, who in my time had shown the greatest love, that they had laid down their lives for their friends. But all that was important to me was that they were my sister and my brother in my own progressive family which was broader than parties."

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HELEN SOBELL TALKS ABOUT HER HUSBAND MORTON.

The gentle scholar

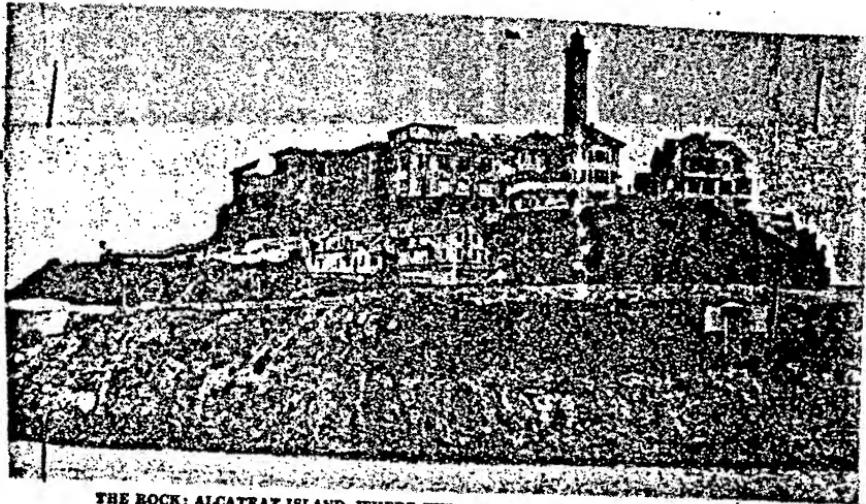
By Albert E. Kahn
Special to the GUARDIAN
SAN FRANCISCO

of Alcatraz island

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THE ROCK: ALCATRAZ ISLAND, WHERE THE AIM IS TO BREAK THE HUMAN SPIRIT.

ON MARCH 11, 1957, Helen and Morton Sobell celebrated the 12th anniversary of their wedding. They were at the time 3,000 miles apart: she was in New York City and he was on a small craggy island in San Francisco Bay. This enforced separation, however, was not new to them. During their married life, they have spent more years apart than together. Almost seven years have elapsed since Morton was kidnaped in Mexico City by hired agents of the FBI and sentenced to pay 30 years of his life for refusing to sell his soul for 30 pieces of silver.

For 90 minutes, once each month, Helen is permitted to visit her husband at Alcatraz. Watched by a prison guard, she sits in a bare room that has bars on three sides. The fourth side consists of a steel wall in which there are small windows covered with thick panes of glass. Helen looks at Morton through one of these windows while they talk together on telephones. Sometimes, when the light is especially poor, she has difficulty in seeing his features clearly.

A TRANSFORMATION: It is costly to travel back and forth across the continent, and Helen usually times her trips to include two visits to Alcatraz—one at the end of one month and one at the beginning of the next. Her most recent visit was on March 2. I spent the morning with her before she went to the prison.

I could not but marvel, when I saw Helen now, at the transformation in her since I first knew her. The tense and painfully shy young woman, whose voice was often barely more than a whisper, now personifies confidence and tenacity. Her dark handsome eyes are buoyant. She is no figurehead in the movement to free her husband, but a true leader.



MORTON SOBELL
"You must respect yourself"

This day she had good news to share. The Washington Day dinner and public meeting in Los Angeles were very successful. More than 100 prominent persons had just signed a letter to President Eisenhower urging him to pardon Sobell, commute his sentence, or request the Attorney General to consent to a new trial. The State Dept. had been forced to back down on its refusal to permit the distinguished Mexican attorney and statesman, Dr. Luis Sanchez Tonon, to enter the U.S. to join the Sobell defense.

THE HELLISHOLE: There has been much comment over the years about the appalling conditions at Alcatraz, which Sen. Langer calls "the worst hellhole of them all." It is difficult for those who have not endured it to understand what life is like on The Rock, but this story helps:

Recently a prisoner escaped. He was found shortly afterwards on the island,

in a cave by the water's edge. He could not swim. He had known, in other words, that he had no chance of getting off the island. But he could stand the prison no longer. He had to flee, if only for 100 yards . . .

The "maximum security" for the so-called incorrigible criminals at Alcatraz has one simple aim: destruction of the human spirit. The prison is a monstrous cage for converting men into stolid animals. The separation of the prison from the mainland has a symbolic significance. The prisoners are shut off from all possible contact with the outside world, just as they are denied the most commonplace privileges of other penitentiaries.

THE ONLY WAY: How has the gentle scholar and scientist, Morton Sobell, stood up under all of this? "He has not only continued to function," says Helen with pride, "but to grow and add to his enrichment. He finds something meaningful in everything around him. And, you know, he never gets out of touch with the world." She adds, with a smile: "There's a saying that the only way for the rich to stay rich is to get richer. Well, for Morton, the only way to stay strong is to get stronger . . ."

What do this husband and wife talk about during their 90 minutes together? They talk about casual, tender, and beautiful things. Before her last visit, Helen sent Morton the program of a musical by the San Francisco Sobell Committee. "You wait for that Dvorak trio," he tells her when he sees her. "You'll love it. It's a wonderful thing . . ."

He has recently finished reading Erich Fromm's book, *The Art of Loving*. Together, they discuss the author's concept of how a mother's love of her children differs from a father's . . .

A LESSON LEARNED: "Speaking of love," says Morton, "I've been thinking about the precept, 'Love thy neighbor as thyself.' You know, that really means much more than that you should just love your neighbor. When you stop to think about it, you realize it also means that you must respect yourself."

And they talk about their children, about their son, Marc, who will be eight in June, and Helen's daughter, Sidney, who at 17 is approaching womanhood . . .

They talk about the correspondence course Morton is taking in transistors (the intercession of the noted physicist, Dr. Harold Urey, was required before Morton was allowed to receive two monthly scientific journals); and Morton gently scolds Helen for having told his attorney about his having gotten a mark of 100 on his mid-term exam. "You make it sound as if it were a major accomplishment. The exam was really very easy . . ."

A NEW SENSITIVITY: Then Morton

says: "Well, our visit is almost over, and of course that's always sad."

He has no watch, and Helen asks: "How do you know it's almost over?"

"I can hear the bus coming."

"You can? I don't hear anything."

"Oh, you develop all sorts of sensitivities here," Morton says. "For example: The electric power is turned off every night at nine, you know, and all the lights go out in the cells. Sometimes you can't remember whether or not your light was

on when the power went off. If it was, and you leave it that way, you'll be awakened by its glaring in your face early in the morning when the power goes on again. Well, I've gotten so I can tell in the dark, just by the feel of pulling the cord, whether the connection is on or off!"

And then, once again, as so often, they say good-bye through the telephone, looking at each other through the little window . . .

SAN FRANCISCO

SALA MUSICAL EVENING

SAT. EVENING, APRIL 13
1022 Odeon St.,—Berkeley, Calif.
Chamber music - New film on Bobell
Hofbrauhaus. - Don St.
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Henderson

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TO SECURE JUSTICE FOR
MORTON ROGELL
WEDNESDAY, APRIL 26, 8 P.M.
FEATURING A NEW FILM STRIP AND
SPEECHES ON RECENT DEVELOPMENTS IN MRS.
BUSHNELL'S CASE, 110 2nd AV. (INT. 12 ST.)
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Stanton [Signature]

MILITANT LABOR FORUM
Sunday, April 14, 7:30 p.m.
Abolition-A new industrial revolution?
Can it solve the crisis of capitalism?
Speaker: Bob Chester, socialist
activist.

Next week: April 14, 7:30 p.m.
THE CARE OF MORTON ROSELL
Prisoner of the Witch-hunt
Speaker: Helen Bobell, wife of Morton
Bobell; Mora Tanner, Mrs. Socialist
Workers Party 1956 candidate for vice-
president.

CLIPPING FROM THE

National Guard

4/18/57

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P 11

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MILITANT LABOR FORUM
PRESENTS

THE CASE OF MORTON SOBELL

Price of Victory, which includes

Speakers: Helen Sobell, wife of Morton

Sobell; Myra Tanner Weis, Socialist

Workers Party 1956 candidate for vice-

president.

Sunday, April 14, 9:30 p.m.

14 University Pl. near Union Sq. N.Y.

CLIPPING FROM THE

Times Herald

N.Y.

4/15/57

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~~APPEAL BOLSTERED~~

Mexico denies it deported Sobell

THE MEXICAN DEPT. of Migration has declared there is no record that it ordered the expulsion of Morton Sobell from Mexico. A letter to this effect from the Migration Dept. was filed April 10 with the U. S. Court of Appeals by attorneys for Morton Sobell to prove its charge that the prosecution lied when it claimed Mexico had deported Sobell.

The new evidence, in addition to previous documentation refuting the prosecution, was cited as further reason for a hearing. The Appeals Court is now considering such an appeal by Sobell.

Sobell, who maintains his innocence, is imprisoned in Alcatraz on a 30-year sentence for conspiracy to commit espionage. He charges that the prosecution illegally kidnapped him from Mexico, and then, to make him appear a fugitive, said he had been deported.

THE FILES SEARCHED: The new letter went to a Mexican attorney March 9 "by consent of the head of the department" from Migration Inspector Jose Ines Perez. It said:

"I wish to advise you that in the files pertaining to Morton Sobell, United States Citizen, there is no record to the effect that this Department has ordered his expulsion from the country."

ROUTING SHEET

National Sec.

SEARCHED 4/2/58

INDEXED 4/2/58

FILED 4/2/58

SEARCHED BY N.Y. DIVISION

THE ROSENBERGS

WE GET A KICK (and a profit) out of selling a bike or a TV set or an air conditioner. Our pleasure comes from supplying a device our technology has produced to make living a little easier or happier. In our customers' minds we are always associated with the little luxuries of life.

That's why we have continued to like our work—even after two decades. But nothing pleases us more or draws us closer to our customers than selling a good book.

As we have said in previous ads, appliances are our business; selling books is our pleasure. We don't sell books often. When we do, it is because we have read something exciting and want to share that enjoyment with you.

We just read an anthology of poems about Ethel and Julius Rosenberg by some of our finest poets. It is a book we think you ought to have to read, re-read and pass on to your children when they are old enough to understand what happened.

It is called simply, THE ROSENBERGS and is available only in a limited edition. It was compiled by Martha Millet.

An example of the content is the poem reprinted below by Alfred Kreymborg, former President of the Poetry Society of America.

THAT AFTERNOON

By Alfred Kreymborg

On the way to the newsstand that afternoon
I found four small boys on my stoop.
They looked so forlorn I had to stop,—
"What's the matter?"

"We lost our ball," said one.
The second: "It went through that open window."
The third: "The lady slammed the window,
Kept the ball." And the fourth:
"Would you buy us a new one, mister?"
"What does it cost?"
"Only a quarter," the quartet sang
And four pairs of eyes sought mine.

The lad I was in memory said "All right,"
They followed me to the stationery store.
There my eyes were stopped by the glaring line:
THE ROSENBERGS WILL DIE TONIGHT!

CLIPPING FROM THE

National Guard

DATED 5/6/57
FORWARDED BY N.Y.D.V.

P. 10

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100-107111

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FBI - NEW YORK	

Shandor

Said one of the boys gravely:
"Gee I'm glad I'm not one of their kids!"
I bought the promised ball and all four
Shavers were overjoyed. And playing again, playing .

Other poets represented are George Abbe, W. E. B. Du Bois, Mike Gold, Eve Merriam and Helen Sobell. THE ROSENBERGS sells for \$3. If you are in New York, please pick up a copy at our store. We will also fill mail orders: just send \$3 and we will pay the postage.

Buy your BEST BUY at STANDARD
Standard Brand

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A DAY TOGETHER
FOR JUSTICE
SOBELL
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BEAR MOUNTAIN

Sun., May 26

Round trip:
Adults—\$2.50; Children—\$1.
Tickets at
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40 Broadway New York City
AL 4-9983

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Leiden F.P.

The Frightened Giant

A NEW BOOK

By CEDRIC BELFRAGE

THE 236 PAGES of our Editor-in-Exile's warm recollections of the America of the GUARDIAN's years are crammed with memories that are yours, too, and you will rejoice to relive them with him. In his chapter on the Rosenberg-Sobell Case, "My Sister, My Brother,"—perhaps the book's most moving—he writes thus about the two martyrs:

"When I thought of Ethel and Julius as 'communists'—the label that had to be pinned to them, although nothing as to their affiliation was ever established at the trial—one reflection was automatic: that if indeed they were members of it, then the American Communist Party was thereby ennobled. If they were, they took their place with many other communist men and women to whom humanity was in debt, who in my time had shown the greatest love, that they had laid down their lives for their friends."

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PRINTING

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Sector & War
Dept., London.

Inset by
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Daily Mirror.

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readers \$2.95

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197 East Fourth St., New York 9, N.Y.
Send me postpaid _____ copies of The Frightened
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THE FRIGHTENED GIANT

A NEW BOOK

By Cedric Belfrage

Our Editor-in-Exile's warm recollections of the America of the Cold War years are crammed with memories that are yours, too! The Rosenberg-Sobel Case, the Korean War, Belfrage's run-in with McCarthy and his subsequent deportation. But his experiences in jail and on Ellis Island were part of his personal bout with The Frightened Giant.

Belfrage's encounters with a con man, a Communist, an ex-stool pigeon and the other types that inhabit our penal institutions are retold with great humor and understanding.

His political and moral credo, interspersed throughout the book, is the exposition of an honest man growing stronger as the world around him grows more corrupt.

Anyone who has lived in the United States during the last 12 years will want to read this book.

Published by Secker & Warburg, London; jacket design by Vicky. 236 pp.—\$3.95

**SPECIAL TO GUARDIAN
READERS—\$2.95 ppd.**

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NEW YORK

↑ DAY TOGETHER
FOR JUSTICE
SOBELL BOAT RIDE
TO
BEAR MOUNTAIN
Sun., May 26

Board steamer at gangway No. 5,
Battery Park, between 9:15-10
a.m. Or at 134th St. (note
change) Hudson River Pier at
10:30 a.m.

Round trip:
Adults—\$2.50; Children—\$1.
Tickets at
Morton Sobell Committee
40 Broadway New York City
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Shadie

GOING TO SUPREME COURT

Appeals Court turns down Sobell plea for new trial

THE CASE of Morton Sobell, convicted with Ethel and Julius Rosenberg in 1951 for conspiracy to commit espionage and now serving a 30-year sentence in Alcatraz, is headed for the Supreme Court for a third time. The court will be asked to review the denial May 16 by a Court of Appeals bench headed by Judge Harold Medina of motions the effect of which would be to free Sobell or grant him a new trial. The defense had charged the use of perjuries and false representations by the prosecution in the original trial before Judge Irving R. Kaufman.

Kaufman denied the motions last June. He said the contentions of the appeal had already been dealt with on a motion to arrest judgment argued immediately after the Rosenberg-Sobell trial in 1951. Since the 1951 proceeding the Sobell defense has uncovered a wealth of material proving the assertions made at that time—that Sobell had been illegally seized in Mexico and delivered to U.S. authorities at Laredo, Tex., where his papers were incorrectly stamped "Deported" by an immigration official. The prosecution used these papers and testimony of the immigration official at the trial to convince the jury that Sobell had been legally deported by the government of Mexico. The defense contended that the prosecution had used this evidence knowing it to be false; and in a separate motion argued that Sobell was entitled to his freedom because he had been abducted by the Dept. of Justice in violation of the extradition treaty between Mexico and the U.S.

EVIDENCE BRUSHED OFF: These points were argued Mar. 5 before Medina and Judges Galston and Waterman by attorneys Marshall Perlin of New York and Dr. Louis Sanchez Ponton of Mexico.

The Medina decision brushed aside the new evidence and affirmed Kaufman's judgment that the contentions had been disposed of in the 1951 proceeding. In disposing of the contention that the extradition treaty had been violated, Medina ruled that the treaty with Mexico does not prohibit "... abduction by one party

of criminals found in the territory of the other."

Later the opinion says on the same point:

"... it can hardly be maintained, still assuming the truth of the appellant's charges, that the unlawful and unauthorized acts of the Mexican police acting in behalf of subordinate agents of the executive branch of the United States government were ... acts of the United States."

NEVER BEFORE COURT: The Supreme Court has twice before refused to review Sobell's conviction when it was appealed with the Rosenberg case in 1952-53. The legal points in the current motions have not been before the Supreme Court before.

Meanwhile world-famous cellist Pablo Casals has joined the list of prominent individuals appealing to President Eisenhower for freedom or a new trial for Sobell. The appeal was originated by commentator Elmer Davis, atom scientist Harold Urey and others last year. Notables joining earlier this year included the Protestant chaplain of Alcatraz, former Gov. Olson of California, and leading churchmen, writers and educators. More than 300 persons have signed the appeal, including most recently editor I. F. Stone, author Harvey O'Connor and Profs. Robert Reid Newell and Sumner M. Katzman of Stanford Univ. medical school.

FIGHT GOES ON: Mrs. Helen Sobell called Medina's decision "an immoral and illegal one" and announced that it would be appealed to the Supreme Court.

"We do not pretend that this denial of due process is easy for us to endure," she said. "However, seven years of imprisonment have not crushed Morton's will to live or his belief in his vindication, nor will they."

"We can and must have the justice to which we are entitled; we will continue to fight for it with the continued support of those old and new friends who know what this case means to America."

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A DAY TOGETHER FOR JUSTICE
BOBELL BOAT RIDE ON Bear Mountain
SUNDAY, May 26th. Round trip adults
\$7.50; children, \$1. Tickets at the Morton
School Committee, #40 Broadway, AL or at
Direction Board steamer at gangway
No. 8, Bear Mountain, bet. 8:15-10 a.m.
OR at 134 St. Hudson River Pier 64
10:30 a.m.

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DATED 5/27/57

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The truth does not change—
And: **THE RODNEYS**: Forms of the
United States Treasury, with, among
them George Abbe, W.E.H., Du
Michael Gold, Alfred Kreymborg, Walter
Kaufmann, Eve Merriam, Helen Bobell
Furth, Edited by Martha Alittel. 1st
First edition, numbered copies. Cloth \$1
Sierra Press, P.O. Box 94, Long Island
City 4, New York.

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N.Y. Walter

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AT 10 A.M. SUN., MAY 26

Sobell boat ride to Bear Mountain

A DAY devoted to Morton Sobell, and in tribute to the Rosenbergs, is set for Sunday, May 26, with families throughout the New York area gathering on a boat ride to Bear Mountain.

The Sobell Committee has charted a modern, 3,000-passenger steamer for the trip up the Hudson.

The boat ride will feature folk music, square dancing, special games for children and a showing of the new Sobell film strip, "Was Justice Done?" At Bear Mountain there will be swimming and picnicking.

The steamer leaves Battery Park Landing at 10 a.m. on Sunday, and will stop for additional passengers at the 134th St. Pier on the Hudson River. The steamer will be back in New York by 9 p.m.

Tickets, which are \$2.50 for adults (round-trip) and \$1 for children, may be obtained from the Sobell Committee, 840 Broadway, N.Y.C. ALgonquin 4-9923.

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Henderson

A new anthology of poems on the Rosenbergs

A LIMITED EDITION of *The Rosenbergs: Poems of the United States* is now available for \$3 at Sierra Press, P.O. Box 96, Long Island City 4, N.Y.

The work contains poems by George Abbe, W.E.B. Du Bois, Mike Gold, Aaron Kramer, Alfred Kreymborg, Walter Lowenfels, A.B. Magill, Eve Merriam, Yuri Suhí, Dora Teitelboim and many others, including Helen Sobell, whose husband Morton was convicted with the Rosenbergs and for whom a nationwide movement is seeking freedom or a new trial. The poems were collected and the volume edited by Martha Millet. A foreword quotes from Longfellow's *The New England Tragedy* the words of Giles Corey spurning the "Confess and live" proposal of the Salem witchhunters:

... if a word could save me, and that word
Were not the Truth; nay, if it did but avert
A hair's-breadth from the Truth, I would not say it!

The volume closes with Bartolomeo Vanzetti's last speech to the court before going to his death in the now-acknowledged Sacco-Vanzetti frameup of the 20's.

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N.Y. *National Guard*

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Slender

The Sobell decision

BROOKLYN, N. Y.

Circuit Court Judge Medina's decision denying Sobell's appeal for a hearing is both immoral and illegal. It strikes with equal force against Sobell, his family and friends, and at the constitutional safeguards of all Americans.

The decision seems predicated upon contempt for the people, apparently based upon the conviction that Americans can't or don't read English. Else, why the distortions which any simple reading of the trial transcript would readily disclose? At any rate, leading Frenchmen and Britons and Israelis and Italians do read English, and this decision cannot help but degrade us in the eyes of the world.

Judge Medina relies heavily of Judge Kaufman's denial. However, he carefully avoids the contradictions between Kaufman's decision in June, 1956, and the Circuit Court's present one. In his denial, Judge Kaufman stated: "The Government has never contended that Sobell was

legally deported."

But the Circuit Court found otherwise, and U. S. Attorney Paul Williams, replying to Judge Medina's own query, at the hearing March 5, 1957, stated: "The Government now maintains, and has always maintained, that Sobell was legally deported."

If the Government's double talk about deportation could be misunderstood by presiding Judge Kaufman himself, and if it confounded three distinguished Circuit Court judges, isn't it possible that one lone juror might also have misunderstood? Doesn't this necessitate a hearing, in accordance with Sobell's motion?

Judge Medina's decision states that many witnesses testified at the trial that when Sobell left the U.S. for Mexico, it was flight with the intention of not returning. This is completely false. Not one witness said anything of the sort. Let Medina search the trial record from beginning to end. Then, let him produce such testimony, or let him apologize to Sobell and to the public and take such steps as are required to give Sobell his day in court.

The Supreme Court will undoubtedly reverse this shameful decision, but this means more months of misery, more terror, more heartache. Also, it will require more effort and support (financial and otherwise) from the public, to bring the case before the Supreme Court and to guarantee that justice is done.

Aaron Katz

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N. Y. National Guard

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Standin

PHILADELPHIA

PHILA. MEETING FOR JUSTICE
HELEN BOBELL
Wife of scientist Morton Bobell
MYRA TANNER WEISS
Staff writer, The Militant
SEAN FRANTZIS
Phila. chairman Bobell Comm.
"WAR JUSTICE DONEY"
Meetings on Bobell case
PRIVATE, JUNE 3 — 8 P.M.
Roberts Hall, 11th & 12th Streets
Admission: See the American
Assn. Socialist Workers Party, Phila.
Proceeds to Bobell Committee

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N.Y. Joint Com.

DATED 6/3/57

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For your [Signature]

"The truth does not change."
Read: THE SORENSENERS: Poems of the
United States. Twenty-five poets, among
them George Abbe, W.E.B. Du Bois,
Michael Gold, Alfred Kreymborg, Walter
Lorraine, Eva Merriam, Carl Sandburg,
William Carlos Williams, John Millay. Lim-
ited edition, numbered copies. Cloth \$1.
Sierra Press, P.O. Box 94, Long Island
City 4, New York.

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N.Y. Times Obituary

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J. Henkin

Mid-Year
JUSTICE FOR SORELL Gathering
Date Friday, June 21, 8 p.m. Site French
Empire Room, Butler & French
Hotel, 105 W. 57th Street, New York.
Dr. Stephen Pritchman, Harvard
Perkins, Alpheus Smith, three distinguished
defenders of civil rights. French painter,
collage, \$1.50. Don't miss this outstanding
event!!

CUTTING FROM 25

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Lender

"The truth does not change..."
Book: THE ROSENBERGS: Focus of the
United States. Twenty-five portraits, among
them: George Abbe, W.E.B. DuBois,
Michael O'Neal, Alfred Krenzelsky, Walter Rauschenbach,
Lowenthal, Eve Arnold, Helen Golde,
Yuri Suhl. Edited by Martha Miller. Limited
first edition, numbered copies. Cloth \$1.
Sierra Press, P.O. Box 36, Long Island
City 4, New York.

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United States by forty-five poets, among
them George Abbott, E.E. Dowd,
Michael Gold, Alfred Kreymborg, Walter
Lippmann, Eva Merriam, Rienzi Miller,
Yuri Bulychev. Edited by Martha Miller. Linen
bindings, \$1.50. Numbered copies. Cloth \$1.
Alfred A. Knopf, P.O. Box 34, Long Island
City, New York.

Judson
Sierra Press

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NEW YORK
JAN 25 1972
73 NEW YORK
Sierra Press



ETHEL ...

If We Die

You shall know, my sons, shall know
why we leave the song unsung,
the book unread, the work undone,
to rest beneath the sod.

Mourn no more, my sons, no more
why the lies and smears were framed,
the tears we shed, the hurt we bore
to all shall be proclaimed.

Earth shall smile, my sons, shall smile
and green above our resting place,
the killing end, the world rejoice
in brotherhood and peace.

Work and build, my sons, and build
a monument to love and joy,
to human worth, to faith we kept
for you my sons, for you.

ETHEL ROSENBERG
Ossining, N. Y.
January 24, 1953.

(From "The Rosenbergs: Poems of the United States," edited and with an introduction by Martha Millet, Sierra Press, P. O. Box 86, L. I. City 4, N. Y. \$1.)

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N.Y. National Guard

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YOU ARE INVITED to a memorial service
for Ethel and Julius Rosenberg, Sunday,
June 23, 1 p.m., Wellwood Cemetery,
Pinehurst, N.Y. Special bus leaves 81
a.m. from Sobell Committee office. For
reservations and information for going
by car, phone AL 4-9913, or write Sobell
Committee, 340 Broadway, N.Y.C.

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Sheldon [Signature]

Solace

ON JUNE 6 in Washington Judge Irving R. Kaufman, who sentenced Ethel and Julius Rosenberg to death, addressed the graduating class of the FBI National Academy. He thanked the FBI for the protection it had given him and his family during the case.

"During those interminable months," said Kaufman, "my chief solace was the protection of the FBI and the kindness and concern by various members of the bureau . . ."

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N. Y.

1-17-52

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72 - NEW YORK

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SAN FRANCISCO

"... Sobell an innocent man condemned as a result of political hysteria. 20 years in jail and his present at Alcatraz the worst prison in the United States."

—LORD BERTRAND RUSSELL

*Mid-Year
'FREE MORTON SOBELL'
Gathering*

FRI., JUNE 21, 8 P.M.

Sir Francis Drake Hotel
Empire Room, San Francisco

DR. STEPHEN H. FRITCHMAN
1st Unitarian Church, S. A.

MAREN P. PERKINS
Rhodes Scholar, former philosophy
instructor, Harvard University

ALBERT E. KAHN
Author and publisher
French pastry and coffee served.
Contribution: \$1.50

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THEY CAN FIND VINDICATION THROUGH MORTON SOBELL

Memorial to the Rosenbergs

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National Guardian
N.Y.

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P.C.

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JAN 2 1957
FBI - NEW YORK

Lender

Four years ago this week, a vindictive government took the lives of two young American parents on charges of conspiracy to commit espionage, despite worldwide appeals for clemency. Convicted with them and sentenced to an eternity in Alcatraz prison was a young scientist, Morton Sobell, whose fight for justice goes on today. For humane people all over the world the continuing effort for freedom or a new trial for Sobell embodies an unyielding determination also to clear the Rosenbergs' name.

Author of the famed *amicus curiae* brief signed by thousands in 1952-'53 in behalf of the Rosenbergs to the Supreme Court—and author since of a similar brief for Sobell—venerable attorney Dr. Royal Wilbur France has just written an autobiography, *My Native Grounds*, in which separate chapters are devoted to the Rosenberg and Sobell cases. (*My Native Grounds* is the Liberty Book Club selection for July. Members may obtain the book for \$2.27; others from Cameron Associates, 100 W. 23 St., N.Y.C., for \$4.75.)

The following article on the Sobell case by Dr. France is a condensation of Chapter 25 of *My Native Grounds*.

By Royal W. France

THE LIVES of Julius and Ethel Rosenberg were snuffed out legally in that late afternoon of June 19, 1953, but the case was far from over. That night, throughout America and throughout the world, thoughtful people were saddened, and frightened, for in the death of the Rosenbergs the hysteria that had hold of America reached its height. It had happened! That was the unalterable truth of the matter, but the other and greater truth might still have its day. All the parties to the Rosenberg trial were not snuffed out with them, and there was one especially on whom hope was now placed for the establishment of the Rosenbergs' innocence and his own.

He was Morton Sobell, the young man whose fortunes had become inextricably tied with theirs. With them he had stood accused. He now languishes in Alcatraz, the Federal prison reserved for the most dangerous prisoners, under a thirty-year sentence.

If the case against the Rosenbergs was flimsy, as many who examined it believed, the one against Sobell was as thin as a slice of boarding house beef. The hopeful fact was that he was still alive, and that if reconsideration could be won for his case not only might vindication follow for him but light might at the same time be thrown on the Rosenberg case. Both sides to the debate about the guilt or innocence of the Rosenbergs were aware of the importance of the Sobell case to the whole, which accounted both for the difficulty of getting the case brought to public attention again and for the zeal with which consideration of the case, and a rehearing, were sought by many prominent persons—and not only Americans.

THE ONE WHO took it upon herself to establish Morton Sobell's innocence, though Heaven and hell had to be aroused to do it, was his wife, young Helen Sobell. In the history of this period, the devotion and untiring labor of the wives of some



MORTON and HELEN SOBELL
Justice has a way . . .

of the victims of the cold war hysteria will stand out as a tribute to the character of the imprisoned men. Their women gave all they had to get them freed, and Morton Sobell's wife was, and is, among the bravest of that brave band.

I met her when she came to ask me to present an amicus brief to the Supreme Court on behalf of her husband. She is an alert, dark-haired woman with keen, intelligent eyes. Her youth is the most impressive thing about her. She looks like what she was: the attractive wife of a young professional man. One can wonder at the turn of circumstances that brought her out of that role and made her into a person who had to be listened to because she believed so passionately that not only justice and her husband's honor were involved but the honor of her country as well . . .

THE ONLY EVIDENCE directly connecting Sobell with espionage had come from a witness named Max Kitcher,

A former colleague made up Sobell and Rosenberg. There was no evidence whatsoever of any complicity in atomic espionage, and the very fact of his having been tried with the Rosenbergs who were so charged was prejudicial.

Klitscher had admitted having been a Communist. He had denied that affiliation under oath when seeking a government job, and on the stand when he was being cross-examined he admitted that he was frightened on that account and hoped for clemency as a result of testifying for the government.

Of his testimony, on which the conviction of Sobell rested, Professor Sharp has this to say in *Was Justice Done?*:

"He told a tale which does not follow my ideas of effective espionage at all. Does a spy discuss his activities with all his old college chums without finding out where their loyalties lie, and does he keep it up for years without securing any information? How stupid do we assume these people to be?" . . .

From my own study of the Sobell case I was convinced that he could not have been convicted on the testimony of this one man, a man who had the most compelling motive to commit perjury, except for one circumstance. That circumstance was Sobell's alleged "flight to Mexico". . .

It is a fact that Sobell and his wife went to Mexico in 1950. The case for the prosecution was that Sobell, realizing the threat to the Rosenbergs and himself following the apprehension of Harry Gold as a member of a "spy ring," fled upon learning of Gold's arrest. The Sobells' claim, on the contrary, is that the Mexican vacation had been planned for a long time and that their departure was not flight. By their own admission they did toy with the idea of staying in Mexico. Many other Americans, believing that fascism here was imminent, had done just that, and many are still there, it might be added. The Sobells, according to their story, rejected the idea of staying and were planning to return home. He was seized and brought to the border before he could put the plan to return into action.

AT THE TRIAL the FBI was determined to present Sobell as a fugitive. Mistakenly, I think, he did not take the stand at the trial, and as a result the circumstances of his seizure were not brought out, when they not only might have laid the charge but might have had far-reaching effect. Those circumstances are set forth in an affidavit submitted by the defendant on a motion for a new trial . . .

That request for a new trial, made in 1956, was brought before the same judge who had conducted the first trial. In my opinion that judge, Irving Kaufman, was too involved emotionally to be able to

judge that request objectively. He should have referred it to some other judge. Instead, he contemptuously dismissed the motion, and included in his opinion derogatory remarks about Sobell's lawyers. He stated that the motion for a new trial was wholly without merit and castigated the lawyers who had made it for trying to obstruct justice and put our country in a bad light. Again it was illustrated that judges are human. Judge Kaufman dares not admit, even to himself, that injustice may have been done in the Rosenberg and Sobell cases, nor is he the first judge in history who has so sought to close the record.

A STORY TOLD TO ME by Harold Phillips, one of Sobell's attorneys at the first trial, throws light on Judge Kaufman's state of mind at the time of the convictions, as well as it tells something of the jury's thinking. The lawyers were sitting with him, waiting for the verdict, while the jury was out. A message came from the jury asking if they had a right to ask for clemency. Judge Kaufman sent back a curt reply to the effect that he would not be bound by any such recommendation. He turned to Phillips and asked, "Do you know for whom I think they wish to ask for clemency?" "The woman?" Phillips asked.

"No, Sobell," the judge replied. His idea of justice for Sobell was thirty years in Alcatraz.

But Justice has a way of finding its own adherents.

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REPORT TO READERS

A day to remember

THE WARREN SUPREME COURT, with two new members sometimes not sitting and one chronic dissenter, nevertheless has vociferously offered the traditional concept of civil liberty in America a new, fighting chance.

* The Court's next-to-last decision day of the present term—June 17, 1957—must have immediate and decisive impact on (1) the conduct of Congressional investigations; (2) the trials of all Smith Act victims now in prospect or under appeal throughout the nation; and (3) the powers of Federal agencies over the careers of government employees in application of loyalty-security programs.

* Earlier in the present term, the Warren Court began the dismantling of the infamous Walter-McCarren immigration law; and literally pulled the rug out from under the FBI Immigration Dept. and the Dep't. of Justice generally in the use of paid witnesses and illegal evidence. The Court also wiped out ancient "sedition" laws (practically, "Little Smith Acts") in 27 states, as having been superceded by the Smith Act. And while it has not set aside its 1951 decision affirming the constitutionality of the Smith Act, it has so limited application of it that there remains little basis for further prosecution under it.

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In addition, the same Court has in effect served notice on the Dept. of Justice and the district courts that it will have no truck with methods of railroading union members to jail on alleged perjuries under the Taft-Hartley non-communist affidavits. The one man in America now serving time on such a charge, Dayton's "Red" Hupman, may take comfort from this and a concerted effort is certainly indicated to obtain his immediate freedom. For others better known, former Fur Union president Ben Gold, Hugh Bryson of the former Marine Coks & Stewards and Clinton Jencks, formerly of the Mine, Mill union, the indication is that the Dept. of Justice has seen the handwriting on the wall, and will pursue them no farther. (There remain two mass "conspiracy" indictments against Mine, Mill leaders and several Cleveland individuals grouped around Marie and Fred Haug, former unionists and Progressive Party leaders.)

Furthermore, in the Grunwald case—involving not a "left-wing" case but an income tax fraud—the Court affirmed the Fifth Amendment in ringing terms as a right which no court has the power to misconstrue—a ruling which may have effect in the Sobell appeal for a new trial as well as in countless other instances throughout the nation.

IT IS HEART-BREAKING therefore, in the light of these massive changes in the highest court's view toward repression in America, that the same day's newspapers should have also repudged the suicide of a young and brilliant scientist facing inquisition before the House Committee on Un-American Activities in its second visit to San Francisco in a year; and the callous comment of the Committee counsel, Frank Tavenner, that the dead man—cancer research scientist William K. Sherwood of Pacific Grove—might have taken with him in death information "that would have been significant to the security of this country."

The dead man left a statement which he had prepared to deliver before the Committee that "the Committee's trail is strewn with blasted lives and the wreckage of youthful careers." In his death note he said: "I would love to spend the next few years in laboratories, and I would hate to spend them in jail." So, at 41, a young man who believed he had found a link between cancer, schizophrenia and some kinds of heart disease, drank a lethal dose of chemicals and died four hours later.

IT IS OUTRAGEOUS, further, that in this same week of political liberation, a Grand Jury in New York should be undertaking again to question Edward Fitzgerald, who served a prison term for preferring his right to use the Fifth Amendment than to accept "immunity" from mythical prosecution.

A S A STARTER, in giving popular force to the Supreme Court's best season in 20 years, the House Un-American Committee ought to be run out of town everywhere it ventures on its current "tour"; a freedom campaign should start for "Red" Hupman; the Sobell case, all foreign-born persecutions and Smith and Taft-Hartley cases supported to the fullest; and finally, and at least, the good people of this country should get their heads together before this summer is spent, on ways and means to make the most of the Supreme Court gift of a new fighting chance for civil liberties in America.

—THE GUARDIAN